

## ITEM 4 POST EXHIBITION - UPDATES TO PLANNING PROPOSAL POLICY

On 21 February 2022, Council resolved to exhibit an updated draft Planning Proposal Policy, Application Form and Checklist to allow community consultation. The draft Planning Proposal Policy was exhibited between 30 March and 28 April 2022. A total of three submissions were received.

The purpose of this report is to provide feedback on the public exhibition and recommend that Council adopt the updated Planning Proposal Policy, Application Form and Checklist.

### RECOMMENDATION

The updated Planning Proposal Policy, Application Form and Checklist be adopted, and a notice placed on Council's website advising of the adoption.

### REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

### ATTACHMENTS

- 1 Planning Proposal Policy, Application Form and Checklist

### BACKGROUND

The Wollongong Local Environmental Plan (LEP) 2009 applies to the majority of the City of Wollongong, with the exception of areas covered by the State Environmental Polices. Land at Sandon Point and Calderwood is zoned under State Environmental Planning Policy (Precincts - Regional) 2021 (formerly the State Significant Precincts SEPP) and development within the port of Port Kembla is controlled under the State Environmental Planning Policy (Transport and Infrastructure) 2021 (formerly the Three Ports SEPP).

Council has the ability to amend the LEP as the need arises. Regular review of the whole LEP, or major sections of the Plan on a programmed basis, is the preferred approach. However, Council may also consider requests for LEP amendments where such a change is warranted, via the Planning Proposal process. A request to change the zoning, permitted land uses or development standards applicable to a parcel of land (height of buildings, minimum lot size for subdivision, floor space ratio etc) is a formal process that amends the statutory planning controls contained in the LEP. The processing and assessment of Planning Proposals (including reclassification of Council land) is a Core Business activity for Council.

On 7 May 2018, Council adopted a Planning Proposal Policy (Policy) to inform the community about the Planning Proposal process, guide the preparation and submission of Planning Proposal requests and improve the efficiency of assessment. At the time of adoption, it was envisaged that the Policy would need to be updated periodically to reflect the outcome of studies or policy and strategy development.

There have been a number of procedural changes introduced in the processing of a Planning Proposal, including updated guidelines published by the (then) NSW Department of Planning, Industry and Environment. Minor updates to Council's Planning Proposal Policy are required to reflect these procedural changes.

The following are the key changes that have occurred since Council adopted the Planning Proposal Policy on 7 May 2018 that have resulted in the need for updates to the Policy -

- 1 **Introduction of Wollongong Local Planning Panel requirement:** from 1 June 2018 the Local Planning Panels Direction under section 9.1 of the *Environmental Planning and Assessment Act 1979* came into force for Planning Proposals in the Greater Sydney Region and Wollongong. Prior to reporting to Council, all draft Planning Proposals must be referred to the Wollongong Local Planning Panel for independent advice on strategic and site-specific merit.

- 2 **Introduction of Guideline for Developing an Affordable Housing Contribution Scheme 2019:** any draft Planning Proposal seeking to rezone to residential or uplift the density of residential land, is to include a residual land value of the site under both the existing and proposed planning controls. This is to assess the “uplift” to enable an Affordable Housing contribution to be determined.
- 3 **Adoption of the Wollongong Local Strategic Planning Statement (LSPS):** In June 2020 Council adopted the LSPS to provide a 20 year land use planning vision for the LGA. The LSPS has drawn on the many existing strategies and plans developed, exhibited and adopted by Council, and additionally outlines how Council will continue to implement the actions contained in the Illawarra Shoalhaven Regional Plan and other State Government policy documents. Planning Proposals need to demonstrate strategic merit and consistency with Council’s vision for the LGA.
- 4 **NSW DPE Local Environmental Plan Making Guideline (LEPMG):** On 15 December 2021 these Guidelines commenced as part of the Planning Reform Action Plan. The LEPMG replaced the “Guide to preparing planning proposals” and “Guide to making LEPs”. The aim of the LEPMG is to support improved assessment, coordination, and engagement in the LEP making process and help reduce assessment time frames.
- 5 **Introduction of Planning Portal requirement:** All Planning Proposal requests are now to be submitted and processed through the DPE Planning Portal. The Planning Portal registers and tracks Planning Proposals. The Portal also standardises the referral process to State agencies. Currently Council officers lodge the submitted Planning Proposal requests and accompanying reports and documents on the Planning Portal which is time consuming. The Planning Proposal Policy has been updated to include this requirement. Proponents will also be required to lodge a digital copy of all documents with Council, for Council’s record system.
- 6 **Minister’s expectations / the Environmental Planning and Assessment (Statement of Expectations) Order 2021:** On 26 November 2021, the Minister for Planning signed an Order which commenced on 15 December 2021 outlining performance indicators for the assessment of Planning Proposals. It includes a requirement that Council has 90 days to make a decision as to whether to support or not support a proponent led Planning Proposal (rezoning) and submit it for a Gateway determination if supported.

In November 2021 the Department of Planning and Environment (DPE) also exhibited a Discussion Paper: *A New Approach to Rezoning*, proposing to make significant changes to the processing of draft Planning Proposals.

On 21 February 2022, Council considered a report on proposed updates to the Planning Proposal Policy and also a draft submission in response to “*A New Approach to Rezoning – Discussion Paper*” exhibited by the DPE. Council resolved that -

- 1 *The updated draft Planning Proposal Policy, Application Form and Checklist be exhibited for a minimum period of 28 days for public comment.*
- 2 *A post exhibition report be prepared for Council’s consideration.*
- 3 *The General Manager be authorised to finalise the draft submission on A New Approach to Rezoning – Discussion Paper, to the NSW Department of Planning and Environment.*

In terms of part 3 of the resolution, on 28 February 2022 a submission was sent to the DPE. It is understood that DPE is still considering submissions on the draft Discussion Paper.

## PROPOSAL

The updated draft Planning Proposal Policy was exhibited between 30 March and 28 April 2022. Three submissions were received. The submissions and proposed amendments to the draft Policy in response to the submissions are discussed in the following section of this report.

## CONSULTATION AND COMMUNICATION

The updated draft Planning Proposal Policy, Application Form and Checklist were exhibited between 30 March and 28 April 2022. The exhibition was advertised through Council's website and in the Illawarra Mercury newspaper. A copy of the suite of documents was available for viewing on Council's website, in all Council libraries and in Council's Administration Building. All active Neighbourhood Forums were notified of the public exhibition by email.

The suite of documents included in the public exhibition was as follows –

- Council Report and Minutes (21 February 2022).
- Updated draft Planning Proposal Policy, Application Form and Checklist.

As a result of the exhibition the website page received 28 views, with 20 documents downloaded. Three submissions were received as follows -

- State Agencies: two.
- Neighbourhood Forum 5.

The following table outlines issues raised in the submissions:

### 1 Water NSW

Section	Submission	Council Officer Response
<b>Amending a LEP – Planning Proposal Request</b>	<p>Our main concern is procedural. The draft Policy suggests that it is the applicant's responsibility to submit the Planning Proposal through the Planning Portal. We believe that applicants are responsible for preparing an initial Planning Proposal and supporting reports, but these then need to be submitted to Council to process and upload onto the Portal. We are also concerned that if applicants upload their initial Proposal onto the Portal, the agency referral process may not work properly.</p> <p>Council should consult with the Department of Planning and Environment regarding whether the uploading of Planning Proposals onto the Planning Portal is the responsibility of applicants or Council, and update both the Policy and 'Planning Proposal Application and Checklist form' accordingly based on that advice.</p>	<p>All proponent led Planning Proposal requests are to be submitted and processed through the DPE Planning Portal. The Planning Portal registers and tracks Planning Proposals. The Portal also standardises the referral process to State agencies.</p> <p>New Heading recommended on Page 4: "How to lodge a Planning Proposal Request".</p> <p>Also clarified that the Planning Proposal request is to be lodged with Council online via the NSW Planning Portal. The Application Form and Checklist have also been updated to clarify this requirement.</p> <p>Water NSW should consult directly with the DPE Planning Portal processes.</p>
<b>The following Planning Proposal requests will generally not be supported by Council</b>	<p>The Policy may benefit from the additional dot points –</p> <ul style="list-style-type: none"> <li>• Rezoning that will result in land uses or development intensification that is beyond the capability of the land or incompatible with important environment values and/or constraints.</li> </ul>	<p>Agreed – added, changing "rezonings" to "requests" to include requests to change zonings, permitted land uses or development standards applicable to a parcel of land.</p>
	<ul style="list-style-type: none"> <li>• Rezoning that will result in unacceptable demands on utilities and services such as sewerage, water, transport etc.</li> </ul>	

Section	Submission	Council Officer Response
<b>Planning Proposal Request: Information to be submitted</b>	<p>The Policy would benefit by expanding the list of technical studies to refer to -</p> <ul style="list-style-type: none"> <li>Water Cycle Management Study (the management of stormwater, wastewater, site and development specific pollutants or contaminants).</li> </ul>	Agreed - added

Section	Submission	Council Officer Response
<b>What are the applicant's risks in applying for a Planning Proposal</b>	<p>This section may benefit from an additional dot point flagging that –</p> <ul style="list-style-type: none"> <li>Referral of the Planning Proposal to agencies and/or the Local Planning Panel may result in additional reports or information being requested. Applicants are also advised that agencies or the Local Planning Panel may not necessarily support the Proposal.</li> </ul>	Agreed - added
<b>Planning Proposal Process Diagram</b>	It is suggested that reference to the 'Independent Hearing and Assessment Panel' could be removed from the Planning Proposal Process diagram.	Diagram proposed to be removed – outlined in the Department's LEP Making Guideline
<b>General</b>	<p>The document may benefit from a caveat indicating that -</p> <ul style="list-style-type: none"> <li>A rezoning given effect by a successful Planning Proposal does not necessarily mean that a later development application for subdivision or other development will be automatically supported and approved. Any later development application lodged will need to be lodged separately and assessed on its merits.</li> </ul>	<p>Agreed – the following has been added to "What are the applicant's risks in applying for a Planning Proposal" –</p> <p>A rezoning given effect by a successful Planning Proposal does not necessarily mean that a later development application for subdivision or other development will be automatically supported or approved. Any later development application will need to be lodged separately and assessed on its merits and consistency with relevant planning controls.</p>

## 2 TfNSW

Section	Submission	Council Officer Response
<b>General comment</b>	The draft Planning Proposal Policy is about a number of procedural changes introduced in the processing of Planning Proposals. As such, we would not have any comments regarding the proposal in that regard.	Noted

### 3 Neighbourhood Forum 5

Section	Submission	Council Officer Response
<b>General comment</b>	Meeting 2 March 2022 Recommendation - That a submission of support be made for changes to the Planning proposals Policy with the request that Council consider the inclusion of measures to assess community initiated Planning Proposals.	Community groups can lodge Planning Proposal requests. The Policy equally applies to community groups and developers. The same processes, procedures and expectations apply. Community group requests also need to demonstrate strategic merit, and include the necessary supporting documentation to progress requests through the Plan making process.  The community has an important role in the review and provision of comments and feedback on planning proposals at key steps in the LEP making process. The matters raised by the community during exhibition and consultation associated with the proposal are considered by Council.

As discussed above, the public exhibition has resulted in some further recommended additions to the Policy, to assist in better explaining the Planning Proposal process. The proposed updated Planning Proposal Policy and accompanying Application Form and Checklist are included as Attachment 1. Further amendments to the Planning Proposal Policy may be required at a future time pending any legislative change prompted by the new approach to rezoning currently being considered by DPE.

#### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2028 Objective *“The Sustainability of our urban environment is improved”* under the Community Goal *“We value and protect our environment”*. It specifically delivers on the following -

Community Strategic Plan Strategy	Delivery Program 2018-2022 4 Year Action	Operational Plan 2021-22 Operational Plan Actions
Manage land uses to strengthen urban areas	1.3.1 Impacts from development on the environment are assessed, monitored and mitigated	3.1.2.3 Prepare for the introduction and implementation of the New South Wales State Government Planning Reforms

This report specifically addresses the Core Business activity for Land Use Planning listed in the Delivery Program 2018-22 and Operational Plan 2021-22 – *“process planning proposals (including reclassification of Council land) resulting in the preparation of local environmental plans”*.

## CONCLUSION

The Planning Proposal Policy is a key document that informs the community about the Planning Proposal process, provides guidance to applicants and seeks to improve the efficiency of assessments. A review of this Policy has been conducted and identified the need for minor updates to reflect procedural changes introduced in the processing of Planning Proposals, including updated guidelines published by the NSW Department of Planning and Environment. The public exhibition has also resulted in some further recommended additions to the Policy, to assist in better explaining the Planning Proposal process.

This report recommends that Council resolve to adopt the updated Planning Proposal Policy and accompanying Application Form and Checklist.



## PLANNING PROPOSAL POLICY

## COUNCIL POLICY



ADOPTED BY COUNCIL: XX.X

DRAFT FEBRUARY 2022

### BACKGROUND

This policy has been developed in order to guide the preparation and submission of Planning Proposal requests.

A Local Environmental Plan (LEP) is a legal document which guides development and land use within a particular Local Government Area. The LEP generally comprises a written document and accompanying maps and states whether development:

- Is permissible on the land;
- Is subject to specific restrictions, including controls on height, minimum land area, floor space, heritage, acid sulphate soils, flooding etc;
- Requires consent of Council.

LEPs are also used to reserve land for open space, schools, transport and other public purposes, as well as control advertising and protect vegetation. The law outlining the process for making a LEP is the *Environmental Planning and Assessment Act 1979 (the EP&A Act)*, administered by the NSW Department of Planning and Environment (DPE). The majority of land within the Wollongong Local Government Area, whether privately owned, leased or publicly owned, is subject to the controls set out in the relevant LEP, typically the Wollongong LEP 2009. Three precincts are controlled under State Environmental Planning Policies (SEPPs) - land at McCauleys Beach, Thirroul and Calderwood is zoned under State Environmental Planning Policy (Precincts - Regional) 2005-2021 and development within the port of Port Kembla is controlled under the State Environmental Planning Policy (Three Ports Transport and Infrastructure) 2013-2021.

Council has the ability to amend the Wollongong LEP 2009 as the need arises. Regular reviews of the LEP occur to implement policy changes that have been guided by the adoption of strategies which have been prepared and exhibited, and it the preferred approach. However, Council may also consider requests for LEP amendments where such a change is warranted, via the planning proposal process.

A request to change the zoning, permitted land uses or development standards applicable to a parcel of land (height of buildings, minimum lot size for subdivision, floor space ratio etc) is a formal process that amends the statutory planning controls contained in the Local Environmental Plan.

### OBJECTIVES

The main objectives of this policy are to outline –

- What is a planning proposal and what is its purpose;
- The steps in the planning proposal process;
- Consideration of planning proposal requests;
- Information to be submitted in a planning proposal request; and
- The fees applicable to a planning proposal.

### POLICY STATEMENT

This policy aims to inform the community about the Planning Proposal process, guide applicants and improve the efficiency of assessment.

## PLANNING PROPOSAL POLICY

## COUNCIL POLICY

### POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

### STATEMENT OF PROCEDURES

#### Amending a LEP – Planning Proposal Request

A request to amend the zoning of land, the development standards applying to land, or the permitted land uses is known as a planning proposal and is undertaken through the Gateway process under the NSW planning legislation. Council or a Government agency can initiate a planning proposal based on a strategic direction or policy, or a land owner may request Council to consider the preparation of an amendment.

To amend an existing LEP, an application needs to be made to Council in the form of a **“Planning Proposal Request”**. The Planning Proposal Request explains the intended effect of the proposed LEP amendment (change) and the reasons or justification for making it. The planning proposal request must include appropriate supporting material or investigations. The preparation of a planning proposal is the first step in the process of amending a LEP.

Rezoning requests must be justified, having regard to Council's strategic plans and policies, and the NSW Department of Planning and Environment's Regional Strategy, the Illawarra Shoalhaven Regional Plan 2041. A draft Planning Proposal request must be referred to the Wollongong Local Planning Panel for advice prior to being formally considered at a Council meeting. Council officers prepare reports to the Wollongong Local Planning Panel and Council on the merits of the proposal, noting that the Environmental Planning and Assessment (Statement of Expectations) Order 2021 outlines performance indicators for the assessment of Planning Proposals, as well as strategic planning obligations.

The applicant is required to lodge a Planning Proposal with the relevant Council via the online Planning Proposal requests are also required to be lodged on the NSW Planning Portal and pay the necessary Planning Proposal fee. Council officers will undertake an adequacy assessment within 14 days. Requests that are inconsistent with endorsed strategies are incomplete will not be accepted. This is not a merit assessment on the request.

Once lodged and accepted, preliminary consultation may be undertaken to inform the preparation of the report, depending on the complexity of the proposal. Council will prepare an exhibition webpage for each Planning Proposal request. Any additional studies or supporting information lodged subsequently during the process, will be made available on the webpage.

A Council resolution is required to support an application to change the zoning, permitted land uses or development standards applicable to a parcel of land. It should be noted, however, that a Council resolution to prepare a planning proposal or an amendment to the LEP does not necessarily guarantee that the proposed amendment will proceed.

If supported by Council, the draft planning proposal is then referred to the NSW Department of Planning to go through the *Gateway determination process*. The “Gateway” process allows a planning proposal to be reviewed at an early stage to make a decision whether to proceed further. At the Gateway determination, the Department of Planning will decide whether the proposal has merit and is justified on planning grounds, whether further technical studies must be undertaken, and the consultation required. Any proposed amendment to the LEP requires community consultation, such as public exhibition or in the case of a reclassification of land, a public hearing. During the exhibition period, relevant Council Reference Groups or Advisory Committees will provide comment on relevant Planning Proposal requests.

Following exhibition, Council considers a report on submissions and should the resolution be to finalise the Planning Proposal, Parliamentary Counsel then prepares the amending LEP – the legal instrument. With the Minister's (or delegates) approval the amending LEP becomes law and is notified on the NSW Legislation website.

It should be noted that an Independent Planning Panel may also act as the local planning authority when directed by the Minister.

The proponent and those making submissions are advised of Council report dates and resolutions through the process and given the opportunity to address Councillors at Council meetings through the Public Access Forum.

[https://wollongong.nsw.gov.au/data/assets/pdf\\_file/0020/43409/Public-Access-Forum-Application.pdf](https://wollongong.nsw.gov.au/data/assets/pdf_file/0020/43409/Public-Access-Forum-Application.pdf)

Should Council initially resolve not to support a planning proposal request, the proponent can request an independent review of Council's decision through the “Rezoning Review” mechanism.



## PLANNING PROPOSAL POLICY

## COUNCIL POLICY

An *online tracking system* is available for any person to follow the progress of a Planning Proposal once it has been submitted to the *USV Department of Planning Portal*.

### Consideration of Planning Proposal Requests

Applications to rezone land or change development standards or permitted uses are generally not encouraged by Council and should only be submitted in the following circumstances:

- Where land cannot be reasonably developed or used under the existing zoning or controls;
- Where it is necessary to correct an error or anomaly (eg mapping);
- Where there is a sound strategic argument for an amendment, based on consistency with Council's Strategic Plan, the Regional Strategy, Council's Local Strategic Planning Statement, or similar strategy or policy;
- Where the proposed amendment is considered to be minor in nature and has merit, and has been sufficiently justified;
- Where development of land in accordance with the existing zoning would not be in the public interest.

### The following Planning Proposal requests will generally not be supported by Council:

- requests that are not supported by an endorsed local or regional strategy, plan or policy and are considered speculative;
- the rezoning of single properties to increase housing density;
- increasing housing in the Illawarra Escarpment, except where implementing an adopted strategy;
- permitting housing within C2 Environmental Conservation and C3 Environmental Management zoned land;
- increasing residential density in medium and high flood hazard areas (ie within the 1% AEP floodlevel);
- proposing the loss of employment land; *and*
- *proposing the linear expansion of town centres;*
- *requests that will result in land uses or development intensification that is beyond the capability of the land or incompatible with important environmental values and/or constraints; and*
- *requests that will result in unacceptable demands on utilities and services, such as sewerage, water, transport etc*

It is necessary to prioritise the processing of planning proposal requests to ensure those providing the greatest public benefit are given preference over those serving individual interest or are of limited benefit to the greater Wollongong community. As a guide, the following would be given priority:

- Contributes to economic growth and promotes sustainable practice;
- Significant employment generating development;
- Provision of high quality, appropriately located housing accessible to the broader and lower income community;
- Education, medical or community facilities and services;
- Commercial or retail development in accordance with an adopted Council or State Government strategy;
- Preservation and conservation of the environment;
- Reducing an identified conflict between incompatible land uses;
- Improving tourism opportunities; and
- Implementing endorsed Council Strategies or Concept Plans (eg West Dapto Amendments).

Some areas will have Strategies, Masterplans or Concept Plans requiring that a Planning Proposal request to address certain criteria, for example the demonstration of an improved environmental outcome associated with proposed development.

*Applicants/Proponents are strongly advised to must* discuss any request with a Council officer from the Land Use Planning team prior to formally lodging a planning proposal and incurring the associated costs. *A planning proposal must be submitted to Council with a request for a pre-lodgement meeting.* It is also recommended that consultation with surrounding residents be undertaken to inform the preparation of the Planning Proposal request.

### Planning Proposal Request: Information to be submitted

## PLANNING PROPOSAL POLICY

## COUNCIL POLICY

A Planning Proposal must be prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and relevant Department of Planning and Environment's guidelines including the "Local Environmental Plan Making Guideline" (2021).

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

- (a) A **statement** of objectives or intended outcomes of the proposal.
- (b) An **explanation** of the provisions of the proposal.
- (c) A **justification** for those objectives and outcomes, including how it is to be implemented – details on why Council should support the change in zoning or development standards and compliance with relevant directions under Section 9.1
- (d) **Maps** containing the appropriate detail are to be submitted, including site map; land use zonings; land constraints such as flood risk, bushfire, heritage areas etc.
- (e) Details of the **community consultation** to be undertaken.

The Planning Proposal is structured as a number of statements and questions which must be responded to with accurate, current and sufficient information to allow assessment of the proposal by Council officers, Councillors and the Department of Planning and Environment.

The Planning Proposal must contain sufficient detail 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. The level of detail required in a Planning Proposal should be proportionate to the complexity of the proposed amendment, recognising that a Planning Proposal must provide enough information to determine whether there is strategic merit in the proposed amendment and to demonstrate compliance with relevant statutory considerations.

A Planning Proposal request may be accompanied by a proposal to enter into a Planning Agreement under Section 7.4 of the EP&A Act under which a material public benefit will be provided. Council's policy on Planning Agreements sets out Council's approach to the use of Planning Agreements through negotiation when considering planning proposals.

In order for Council officers, Councillors and the Department of Planning and Environment to ascertain the appropriateness of the Planning Proposal, the constraints on site must be identified, and any proposed development on site will need to have consideration to these constraints. Any proposed intensification of land use will require identification of any environmental and physical constraints such as flood affectation, land stability, contamination, natural environment, bush fire, heritage and scenic landscape considerations. The proposed impacts on traffic and transport, town services and infrastructure also require consideration.

Where the Planning Proposal is seeking to rezone to residential or uplift the density of residential land, the application is to be accompanied by a residual land value of the site under both the existing and proposed planning controls. This is to assess the "uplift" to enable an Affordable Housing contribution to be determined.

### How to Lodge a Planning Proposal Request

The following is required to be lodged with Council via the online NSW Planning Portal along with the necessary Planning Proposal fee as part of any planning proposal request:

- 1 Justification for the planning proposal, including:
  - a The need for the Planning Proposal;
  - b Relationship to strategic framework – how is the planning proposal consistent with legislation and statutory requirements such as section 9.1 Directions and State Environmental Planning Policies (SEPPs), regional strategies and Council endorsed policies, strategies and locality Concept Plans (eg Council's Community Strategic Plan and Local Strategic Planning Statement);
  - c The context of the planning proposal – if the planning proposal implements the outcomes of a strategic study or report (a copy of the study or report to be submitted with the planning proposal request); and
  - d Potential economic, social and environmental impacts of the planning proposal and how they are proposed to be managed – positive and negative impacts should be identified, including proposed methods of amelioration where negative impacts are likely.
- 2 Appropriate supporting technical studies completed by suitably qualified experts to demonstrate the capacity of the land, concept diagrams, preliminary plans and illustrative maps. The level of detail will be proportionate to the impact the planning proposal is likely to have. This may include (but is not limited to) the following technical

## PLANNING PROPOSAL POLICY

## COUNCIL POLICY

issues/considerations:

- a Environmental – flora and fauna, bush fire, flooding, stormwater, riparian, geotechnical, coastal, contamination;
- b Traffic and transport;
- c Urban design;
- d Aboriginal and Industrial Heritage;
- e Consistency with Council Strategy or Concept Plan;
- f Economic;
- g Social and cultural, including the preparation of an Aboriginal Cultural Heritage “Due Diligence” Assessment;
- h Infrastructure and servicing;
- i and i Visual impact; and

h Water Cycle Management (management of stormwater, wastewater, site and development specific pollutants or contaminants);

**NB** The Gateway determination may require additional information.

- 3 The completed Planning Proposal *Application Form and Checklist* (including the legal property description in full and land owner consent authorising the lodgment of the Planning Proposal request and the eventual making of a draft LEP over the subject land).
- 4 The submission of all documentation in electronic format (PDF). All documentation will need to be uploaded on Council's website for consultation and therefore should be kept under 50MB (noting that files over 10MB generally cannot be emailed). Wherever possible, a suite of documents should be combined into one file (while keeping under the 50MB guide).
- 5 Four hard copies of the request and all documentation.
- 6 Mapping data is to be supplied in a format compatible with ARC GIS.
- 7 Applicable Fees.

To ensure transparency in Council's decision making functions, any application which is made by a Council employee / Councillor and/or their immediate relative/s, will be referred to an independent consultant for assessment.

For more information proponents should refer to the Department of Planning and Environment's publication "Local Environmental Plan Making Guideline 2021".

Planning Proposal requests will require external planning expertise on behalf of the applicant. It is recommended that a town planning consultant be engaged for the preparation of planning proposal applications, and other specialist consultants may also be needed to provide technical input in support of the proposed changes. The application must include an accurate assessment of the likely impacts of the change in land use and identify any land constraints, supported by technical investigations. Any study that is deemed necessary to assess the suitability of the proposal and may have a significant bearing on Council's decision making about whether to proceed with preparing a planning proposal, will be required prior to a report being prepared for Council.

Council staff may refuse to accept the submission of a planning proposal request if the proposal is deemed to be lacking the necessary information and detail required of a planning proposal, as outlined in this section.

### Fees

For applicable fees and charges, please refer to Wollongong City Council's *Schedule of Fees and Charges*. The proponent is required to pay the prescribed fee associated with preparing a planning proposal as outlined in Council's Fees and Charges. The proponent is also required to pay for any required technical studies.

### What are the applicant's risks in applying for a Planning Proposal?

The following should be noted:

- Council, or an Independent Planning Panel, can request that the Minister for Planning terminates a Planning Proposal at any point of the process, including after all investigations, analysis and community engagement has been completed. However, proponents can request an independent review of decisions if Council has refused

## PLANNING PROPOSAL POLICY

## COUNCIL POLICY

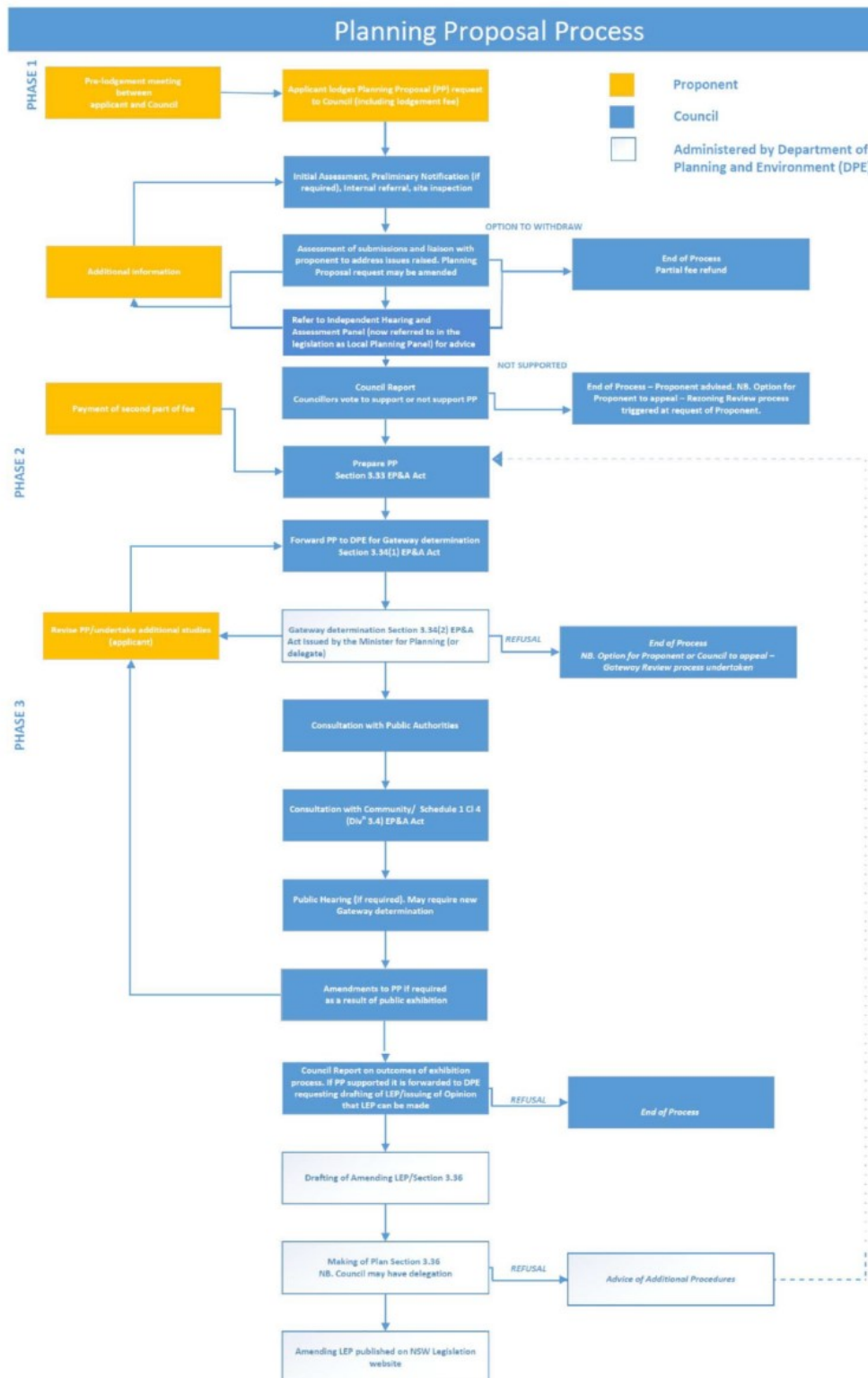
or failed to respond to a Planning Proposal;

- Council officers may seek an extension of time from the Department of Planning and Environment for the completion of a Planning Proposal should Council resources be required on other higher priority projects;
- The Planning Proposal process can occur over a number of years, depending on the nature and complexity of the proposal, and there are several key milestones that need to be achieved along the way. With each one there is a risk for the process to cease;
- Council officers may decline to accept the lodgement of a planning proposal request, where the application content is deemed inadequate;
- Council officers may, based on a preliminary desktop assessment of a submitted planning proposal request, determine that the information submitted is not satisfactory and should not be reported to the Local Planning Panel, or a Council meeting. This may arise where the initial review of the information submitted reveals that the proposal is inconsistent with local and/or state policy, or is subject to insurmountable environmental constraint etc;
- Referral of the Planning Proposal to agencies and/or the Local Planning Panel may result in additional reports or information being requested. Applicants are advised that agencies or the Local Planning Panel may or may not support the Planning Proposal;
- The proponent is responsible for the payment of any studies, specialist advice, or consultancies as required during the LEP amendment process;
- Time of lodgement does not determine the priority of processing and progressing of an amendment – it is necessary to prioritise proposals to ensure those providing the greatest public benefit are given preference over those servicing individual interest or are of limited benefit to the greater Wollongong community;
- The Planning Proposal request must be accompanied by the relevant fee. Part of the initial fee is refundable should the Planning Proposal process be terminated or be unsuccessful. The second part of the fee (if Council resolved to support the preparation of a Planning Proposal) is not refundable. If the Regional Planning Panel support a Planning Review and the Department of Planning and Environment issues a Gateway determination, the second fee is payable; [see](#);
- Council gives no undertaking that the processing of a Planning Proposal will result in the requested LEP amendment occurring. It is possible that all the steps in the process can be completed and an amendment declined by Council, the Independent Planning Panel, or the Minister for Planning; [see](#);
- A rezoning given effect by a successful Planning Proposal does not necessarily mean that a later development application for subdivision or other development will be automatically supported or approved. Any later development application will need to be lodged separately and assessed on its merits and consistency with relevant planning controls;



PLANNING PROPOSAL POLICY - To be removed - outlined in the Department's LEPMC

COUNCIL POLICY





## PLANNING PROPOSAL POLICY

## COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	City Strategy
Date adopted by Council	
Date of previous adoptions	7 May 2018
Date of next review	May <del>2024</del> XXX
Responsible Manager	Manager City Strategy
Authorised by	Director Planning and Environment – Future City and Neighbourhoods

# FORM PLANNING PROPOSAL APPLICATION AND CHECKLIST



**Privacy Notification (Privacy and Personal Information Protection Act 1998 – Section 10)** - The personal information that Council is collecting from you on this application form is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (the Act). The intended recipients of the personal information are officers within the Council and any person wishing to inspect the application in accordance with the Local Government Act 1993 or the Government Information (Public Access) Act 2009. The supply of the information by you is not voluntary and if you cannot provide or do not wish to provide the information sought, the Council will be unable to process your application. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the legislation. Council is to be regarded as the agency that holds the information. Enquiries concerning this matter can be addressed to Council by telephoning 4227 7111.

A Planning Proposal must be prepared in accordance with the Department of Planning document “Local Environmental Plan Making Guideline (LEPMG)” and Section 3.33 of the Environmental Planning and Assessment Act 1979. **The Planning Proposal, accompanying studies and documents, and this Application Form are to be, and** submitted through the Department’s NSW Planning Portal **with the relevant Planning Proposal Fee.**

## 1 PROPERTY DETAILS

Address	No	Street		
	Suburb			Postcode
Property Description	Lot		Sect	DP/SP
Site Area	m <sup>2</sup>		ha	

**Note:** Signatures of all applicants and registered owners are required on the last page/s of this application form. Without these signatures Council will not accept this application.

## 2 PLANNING PROPOSAL DESCRIPTION

**Proposed Amendment to LEP – what are you applying to amend? (Please tick all that apply)**

<input type="checkbox"/> Zone	<input type="checkbox"/> FSR	<input type="checkbox"/> Minimum Lot Size	<input type="checkbox"/> Height of Building
<input type="checkbox"/> Heritage	<input type="checkbox"/> Additional Permitted Use		

Other (please provide a brief description)

.....

.....

.....

.....

.....

**Planning Proposal Objectives and Intended Outcomes** (please describe what the Planning Proposal application is intended to allow eg a zone change to allow construction of townhouses, office development, retail etc)

[illegible]

## PLANNING PROPOSAL APPLICATION AND CHECKLIST

## FORM

### 3 ACCOMPANYING DOCUMENTATION

Please list documents and studies to be submitted in support of the Planning Proposal.

- .....
- .....
- .....

#### Document copies required

Council requires **four** hard copies of all documents submitted.

Council requires **two** electronic copies (PDF format on CD) of all documents submitted.

If the proposed amendment includes mapping, a version of the maps containing sufficient detail to indicate the substantive effect of the proposed amendment is required (eg Current versus proposed zoning). **Four** hard copies and **two** electronic copies (PDF format) are required.

The submission of all documentation in electronic format (PDF): all documentation should be kept under 50MB. Wherever possible, a suite of documents should be combined into one file (while keeping under the 50MB quota).

### 4 APPLICABLE FEE

Please confirm with Council for clarification of "Minor" and "Major" amendment prior to submitting Planning Proposal Request.

**Minor Rezoning/Amendment** – Spot rezonings (One lot or less than 1,500m<sup>2</sup>).

**Major Rezoning/Amendment** – Rezonings including spot rezonings (more than one lot and 1,500m<sup>2</sup>), creation of new zones, rezonings where a LES or technical study is required (eg flood, heritage, land capability).

### 5 APPLICANT DETAILS AND DECLARATION

Mr Mrs Ms Miss Dr Other

Family Name (or Company)

Given Name/s (or ABN)

Postal Address

Suburb

Postcode

Email

Contact Person (available during business hours)

Contact Person Phone Number

Disclosure Statement of Political Donations and Gifts

Have you made a reportable political donation or gift within the two years preceding this application? (if a reportable political donation has been made, please complete the disclosure form at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)).

Is a Disclosure Statement provided?

☐

Yes

☐

No

#### Disclosure Statement re Transparency

To ensure transparency in Council's decision making functions, any application which is made by a Council employee/Councillor and/or their immediate relative/s, will be referred to an independent consultant for assessment.

## PLANNING PROPOSAL APPLICATION AND CHECKLIST

## FORM

I am an employee/Councillor or relative of an employee/Councillor of Wollongong City Council. ☐ Yes ☐ No

If yes, please state relationship:

### Declaration and Consent

I hereby apply for the proposal described above and I consent to Council copying this application, and any supporting material, for the purpose of obtaining public comment. I agree to payment of Council's Planning Proposal Fees as set out in Council's Fees and Charges. I declare that the information in this application and checklist is, to the best of my knowledge, true and correct.

I understand that if the information is incomplete, the application may be delayed or rejected, or more information may be requested. I acknowledge that if the information provided is misleading, any approval granted may be void. I accept that Council cannot be held liable for delays in processing arising out of inadequacies in the material submitted in support of this application.

Applicant Signature .....

Date .....

## 6 OWNER'S DETAILS AND CONSENT (*required for application to be accepted*)

### Multiple Owners

Every owner of the land must sign this form, or provide authorisation under separate cover (eg multiple individuals or multiple companies).

### Individuals

If you are signing on behalf of the owner as the owner's legal representative, you must state the nature of your legal authority and attach documentary evidence under separate cover (eg Power of Attorney, Executor, Trustee etc).

### Strata Title and Community Title

If the property is a unit under strata title or a lot in a community title, then in addition to the owner's signature the common seal of the Owners Corporation must be stamped on this form over the signature of the owner and signed by the chairman of the Owners Corporation or the appointed managing agent.

### Company

If the owner is a company, a separate letter is to accompany this application stating acknowledgement and consent of this application. The letter is to be signed by an authorised director in accordance with the Company's Memorandum and Articles of Association.

**Owner/s: Family name (or Company)**

**Given Name/s (or ABN)**

**Postal Address**

**Suburb**

**Postcode**

**Phone**

**Email**

### Disclosure Statement re Transparency

To ensure transparency in Council's decision making functions, any application which is made by a Council employee/Councillor and/or their immediate relative/s, will be referred to an independent consultant for assessment.

I am an employee/Councillor or relative of an employee/Councillor of Wollongong City Council. ☐ Yes ☐ No

If yes, please state relationship:

**Declaration and Consent:** I/we own the subject land and consent to this application, accept that all communication regarding this application will be through the nominated applicant, and consent for authorised Council Officers to enter the land to carry out inspections relating to this application.

Owner/s Signature (ALL OWNERS ARE TO SIGN) .....

Date .....

## PLANNING PROPOSAL APPLICATION AND CHECKLIST

## FORM

### 7 PLANNING PROPOSAL CHECKLIST

The following information must be submitted with all applications. Note: please ensure that all documentation listed is submitted at lodgement otherwise this may delay acceptance and processing of the application.

a	Have you <b>submitted a Scoping Proposal</b> had a <b>pre application meeting</b> with Council's Strategic Planning Staff?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
b	If Yes, please provide date of meeting and name of Council officer (Pre-lodgement meeting number PLM ..... )
	Date ..... Council Officer .....

### INFORMATION TO BE SUBMITTED

		Applicant to tick ✓	Office Use Only
1	Completed application form with consent of owner/s		
2	Payment of Application Fee		
<b>PLEASE PROVIDE FOUR (4) HARD COPIES AND TWO (2) DIGITAL COPIES of the following information</b>			
<b>Site Information</b>			
3	Description of the subject land and the locality		
4	Current zoning		
5	A Plan of the site drawn to scale identifying physical features such as trees, watercourses, topography, existing buildings etc		
6	Site analysis of property and surrounding environment identifying any relevant significant issues, such as any development constraints (eg bush fire, flooding, geotechnical, threatened species, contamination, Aboriginal/European heritage, impacts to traffic/site access etc)		
7	Details of current existing uses and development on the land, and surrounding properties, and the potential impact of the proposal on the surrounding area		
8	Photographs of the site and surrounding neighbourhood		
<b>Planning Proposal</b>			
The Planning Proposal must be prepared in accordance with the Department of Planning "Local Environmental Plan Making Guideline".			
9	Objectives and intended outcomes of the Planning Proposal – description of what the application is intended to allow		
10	Justification for those objectives, outcomes and provisions, including any anticipated public or environmental benefit that would result from the proposed amendment		
11	Explanation of the intended land uses/activities for the site requiring a rezoning or change to planning controls		
12	An explanation of the provisions to be included in the LEP amendment – proposed zoning, change in permissible use etc		
13	Draft amended mapping – current and proposed indicative maps showing where the planning proposal seeks to amend the Wollongong LEP 2009 in relation to Land Zoning, Height of Buildings, FSR, Minimum Lot Size etc		
14	Relevant information provided to assess the environmental impacts of the proposal on the site and surrounding environment (eg traffic studies, commercial/economic viability analysis, ecological assessment, built form analysis, noise analysis, infrastructure servicing etc)		



# PLANNING PROPOSAL APPLICATION AND CHECKLIST

## FORM

15	Demonstrated consistency with the strategic planning framework: <ul style="list-style-type: none"> <li>• Illawarra-Shoalhaven Regional Plan</li> <li>• Council's Community Strategic Plan – <b>Wollongong 2024</b></li> <li>• Council's Local Strategic Planning Statement (LSPS <b>2022</b>)</li> <li>• Wollongong City Council endorsed Strategies and Policies</li> <li>• Applicable State Environmental Planning Policies (SEPPs)</li> <li>• Applicable Ministerial Directions (s9.1 directions)</li> </ul>		
16	Planning Proposal prepared in accordance with Section 3.33 of the EP&A Act 1979 and (NSW Department of Planning "Local Environmental Plan Making Guideline"		
17	Any Planning Proposal seeking to rezone to residential or uplift the density of residential land is to include a residual land value of the site under both the existing and proposed planning controls – this is to assess the "uplift" to enable an Affordable Housing contribution to be determined.		
18	Details provided of any consultation undertaken to inform the preparation of the Planning Proposal request (eg discussions with relevant State Government agencies)		
<b>Supporting Documents – Required on a merit basis</b> In addition to the above mandatory information, a Planning Proposal should be accompanied by relevant supporting studies and/or investigations, <b>justifying</b> the proposal. Copies of all supporting studies justifying the proposal must be submitted at the time of lodgement.			
18	<b>Traffic and Transport</b> An assessment considering the likely impact of the planning proposal on local traffic and transport issues, public transport infrastructure and/or cycle and pedestrian movement, and access to the site		
19	<b>Environmental Considerations/Potential Impacts</b> May include specialist reports addressing flora and fauna, bush fire hazard, soil stability, erosion, landslip and subsidence, water quality, stormwater management, flooding, land contamination, noise impact, visual impact, climate change, sea level rise and acid sulphate soils. Planning Proposals in the vicinity of the Illawarra Escarpment should demonstrate an improved environmental outcome (eg through Biodiversity stewardship agreements)		
20	<b>Urban Design</b> Site analysis, building mass and/or block diagram study (changes in building height and FSR), development yield analysis (lots or jobs created), a draft DCP controls or other design guidelines		
21	<b>Economic</b> Economic impact and viability assessments, retail centres hierarchy and/or employment land analysis		
22	<b>Social and Cultural</b> Aboriginal and Industrial Heritage impact, Aboriginal and European archaeology, open space management, social and cultural impacts and stakeholder engagement plans		
23	<b>Infrastructure</b> Infrastructure servicing arrangements		
24	<b>Any other matters relevant to the specific planning proposal</b>		
<b>Development Concept</b>			
25	Any indicative development concept, illustrating the nature and scale of development envisaged for the site – built form, open space, vehicular and pedestrian access etc, and relationship with surrounding area. This information could include a draft DCP containing guidelines to assist in providing a framework to assess future development on the site.		