

Draft District Plan Information Note 6

PLANNING PROPOSALS AND LOCAL ENVIRONMENTAL PLANS

This Information Note is part of a series that provide supporting information on the draft District Plans released by the Greater Sydney Commission. For more information or to access the other information notes in this series please visit www.greater.sydney

This Information Note answers questions you may have about the role of District Plans in the preparation of planning proposals and Local Environmental Plans (LEPs).

What are District Plans?

- A District Plan provides a strategic plan for each district within the Greater Sydney Region with regard to economic, social and environmental matters. It identifies planning priorities for the district and actions to achieve those priorities.
- District Plans inform local council planning and guide the decisions of State agencies.
- A District Plan is recognised in Part 3B of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as one of the types of strategic plans that guide and direct the content of local environmental plans.
- Relevant planning authorities are required to give effect to District Plans once made in preparing planning proposals and reviewing their existing LEPs.
- Relevant planning authorities are required to consider draft District Plans, as explained in the Department of Planning and Environment's *A Guide to Preparing Planning Proposals*.

Where do District Plans apply?

- There are six districts declared in the Greater Sydney Region - Central, North, South, South West, West and West Central. Each district has its own plan.

Who prepares District Plans?

- The Greater Sydney Commission has prepared six draft District Plans in consultation with State agencies, the community and with technical input from councils.
- The Greater Sydney Commission will ensure that the draft District Plans undergo a comprehensive community consultation process, including a mandatory phase of public exhibition from 21 November 2016, before being finalised by the Greater Sydney Commission.

What is the role of the Greater Sydney Commission in local planning?

- The Greater Sydney Commission is responsible under the *Greater Sydney Commission Act 2015* for setting the strategic planning direction of the Greater Sydney Region.
- Preparation of a new set of strategic planning documents, including an update to *A Plan for Growing Sydney* and the six draft District Plans, will enable the Greater Sydney Commission to identify and articulate its planning directions.
- As the Greater Sydney Commission (or delegate) also has the statutory responsibility to make LEPs in the Greater Sydney Region, the Commission will ensure new LEPs and planning proposals give effect to the priorities and actions in the District Plans.
- Officers of councils and the Department of Planning and Environment have been delegated the authority to act for the Greater Sydney Commission in certain circumstances for plan making.

GSC INFORMATION NOTE 2016 (6)

IMPORTANT NOTE: The purpose of this information note is to provide guidance about the application of draft District Plans released on 21 November 2016. This information note is not to be construed as legal advice, does not form part of the draft District Plans and does not have statutory weight under the Environmental Planning and Assessment Act 1979. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this information note.

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Relationship to regional plan

- *A Plan for Growing Sydney* is the current regional plan applying to the Greater Sydney Region.
- Part 3B of the EP&A Act recognises *A Plan for Growing Sydney* as the initial regional plan, and therefore the relevant planning authority (generally councils) needs to give effect to the plan in preparing a planning proposal.
- Relevant planning authorities need to demonstrate in any planning proposal how the proposal gives effect to *A Plan for Growing Sydney*.
- Part 3B of the EP&A Act requires District Plans to give effect to *A Plan for Growing Sydney*.
- The draft District Plans are shaped around three key themes; a productive city, a liveable city and a sustainable city.
- For councils, the draft District Plans will:
 - inform the preparation of local environmental plans;
 - inform planning proposals;
 - guide strategic land use, transport and infrastructure planning.



DISTRICT PLANS AND PLANNING PROPOSALS

Do planning proposals need to address draft District Plans?

- The Department of Planning and Environment's *A Guide to Preparing Planning Proposals* identifies the need for planning proposals to demonstrate consistency with draft District Plans as part of the Strategic Merit Test.
- Planning proposals need to demonstrate how they give effect to all relevant priorities and actions of the relevant draft District Plan, and in doing so, should reference all relevant supporting information contained in the Plan.
- Any inconsistency with a draft District Plan must be specifically explained and justified in any planning proposal.

What is required for planning proposals already lodged seeking a Gateway Determination?

- For planning proposals lodged prior to the release of the draft District Plans, the Department of Planning and Environment will assess consistency of the proposal with the draft District Plan. The Department may identify additional considerations through a Gateway Determination as necessary.

What is the process for planning proposals that are yet to be exhibited?

- The relevant planning authority should consider planning proposals that are yet to be exhibited against the draft District Plans to see if an amendment may be required.
- The relevant planning authority should discuss any proposed changes with the Department of Planning and Environment's relevant regional team to determine if any change is required to the Gateway Determination.

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What is the process for LEPs yet to be made?

- When finalising the LEP the relevant planning authority will consider the draft District Plan before making the Plan.
- Where councils are making the final LEP under delegation the council should consult with the Department of Planning and Environment's regional team prior to the plan being made.

Rezoning Reviews

- Rezoning Reviews allow proponents to request an independent review of a planning proposal and the merits of it proceeding to the Gateway.
- The Department of Planning and Environment's *A Guide to Preparing Planning Proposals* notes the requirement for considering draft District Plans as part of the Strategic Merit assessment.

DISTRICT PLANS AND COUNCIL LEP REVIEWS

How do the District Plans impact on Council LEP reviews?

- Part 3B of the EP&A Act requires councils to ensure their LEPs give effect to the District Plans when they are finalised.
- All councils in the Greater Sydney Region will therefore be required to review their comprehensive LEPs for consistency with the District Plans and to enact the priorities and actions outlined in the plans.
- Part 3B of the EP&A Act also requires councils to report to the Greater Sydney Commission on the review of LEPs and the preparation of planning proposals to give effect to the District Plans.
- The review and reporting process is not required while District Plans are in draft form.
- Councils will be advised on the scope of the required reviews of their LEPs through consultation and engagement with the Greater Sydney Commission.
- The Department of Planning and Environment is also working on ways to ensure that LEPs are able to reflect a more strategic approach to issues, as well as tools to assist councils in their comprehensive LEP reviews.

What is the timeframe for councils to review their LEPs?

- The timing on the LEP review process will be discussed between councils and the Commission.
- These discussions will identify the priority strategic and land use issues that will be fundamental in a council demonstrating their LEP controls give effect to the relevant District Plan.

HOW DO I COMMENT ON THE DRAFT DISTRICT PLANS?

- Submissions on the exhibition of the draft District Plans will close at the end of March 2017.
- You can view and make a submission by:
 - responding online at: www.greater.sydney/my-district
 - emailing engagement@gsc.nsw.gov.au
 - by mail to:
Greater Sydney Commission
Draft District Plans
PO Box 257
Parramatta NSW 2124.
- Before making a submission, please read our privacy statement at www.greater.sydney/privacy.

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Who can you contact for more information on District Plans in local planning?

- Proponents and councils are encouraged to talk to the Department of Planning and Environment early on any planning proposals that may not be consistent with a draft District Plan.
- The Department will work together with the Greater Sydney Commission to provide any clarification or feedback on planning proposals.
- The Department of Planning and Environment Information Centre can be contacted on 1300 305 695.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email information@planning.nsw.gov.au