

PLANNING PROPOSAL APPLICATIONS

The Georges River Local Environmental Plan 2021 provides the main local statutory framework for planning and development within the Georges River Council local government area. The LEP identifies land for specific purposes through land use zones, and the extent that land can be developed through identifying development standards, provisions to conserve heritage and protect sensitive land.

A Planning Proposal is the first step in requesting a change to an LEP.

This Fact Sheet describes how a landowner/developer may request to change the planning controls and describes how the request will be assessed, including the process for entering into a Planning Agreement.

What is a Planning Proposal?

A Planning Proposal is a document that explains the intended effect of a proposed local environmental plan and sets out the justification for making that plan.

A Planning Proposal document can be prepared by a council, a landowner or developer seeking to change the planning controls relating to a particular site.

Pre-Lodgement Consultation

The pre-lodgement stage is the first step of the LEP making process. It is a discussion between Council and the landowner/developer. Key matters for discussion include consistency with State and local policy objectives, proposed land use and built form outcomes, potential issues and solutions and the public benefit of the proposed changes.

Prior to lodging a Planning Proposal application, proponents should discuss their proposal with Council's Strategic Planning Section. A Planning Proposal Pre-Lodgement Meeting Form is provided on Council's website.

Planning Proposal Application

The landowner/developer makes a Planning Proposal request in the form of a justification report, prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act, 1979*. The Department of Planning and Environment's guidelines must be addressed:

- Local Environmental Plan Making Guideline

The Planning Proposal must be lodged on the NSW Planning Portal website and information on how to lodge is available at <https://www.planningportal.nsw.gov.au/applicant-resources>.

A Planning Proposal application checklist (available on Council's website) identifies the information required, including the Planning Proposal report and any technical studies required to support the Planning Proposal application.

Planning Agreement

Public benefit will typically be secured by a Voluntary Planning Agreement (VPA) between Council and the landowner/developer (refer to the Voluntary Planning Agreements page on Council's website). Council's Policy on Planning Agreements is a matter for consideration in the assessment of the Planning Proposal application request.

Assessment

Planning Proposal applications requesting changes to an LEP will only be supported where planning merit is demonstrated. The request should be consistent with State Government and Georges River planning policies, demonstrate the use and built form is appropriate, show that there is a net public benefit and it materially contributes to the strategic directions for Georges River. The request is to address the matters for consideration in the Department of Planning and Environment's guidelines.

Reporting and Consultation

If the Planning Proposal application request is supported, and agreement has been reached on a suitable public benefit, a report and draft Planning Proposal for consideration by Council will be prepared. Council will consider the suitability of the public benefit offer at that time. If Council does not support the Planning Proposal request, the landowner/developer will be notified in writing.

If Council resolves to support the Planning Proposal, Council will become the 'Planning Proposal Authority' and responsible for the Planning Proposal. The Planning Proposal is then referred to the Minister for Planning and Public Spaces for a Gateway Determination.

If a Gateway is issued, the Planning Proposal and supporting documents, including VPA will be placed on community consultation generally for a period of no less than 28 days unless otherwise specified. If additional studies or investigations are required, Council may request these are undertaken by the landowner/developer or the costs reimbursed.

Finalising the LEP Amendment

After the community consultation period, all submissions received, and the outcomes of the exhibition, will be reported to Council.

Council may adopt the Planning Proposal without changes, with changes or resolve not to proceed. If adopted, the Planning Proposal will either be referred to the Minister for Planning and Public Spaces (as delegate for the Greater Sydney Commission) to 'make' the LEP Amendment or, Council may have the delegation to 'make' the LEP Amendment.

The LEP Amendment will not be made until the VPA has been executed and registered on the title of the land.

The LEP Amendment comes into effect once it is made and published on the NSW Legislation website.