

# Application to amend Local Environmental Plan

## Attachment – Outline of Supporting Information

The following information must be included to support an application to amend the Local Environmental Plan.

### 1. Objectives or Intended Outcomes

The objectives and intended outcomes should be a short, concise statement. 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.

### 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.

### 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.

Also see the NSW Government Department of Planning '*A guide to preparing planning proposals*' for further information.

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
- its is not necessary to address a question 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.

A justification report shall form part of the Planning proposal to:-

- prepare and/or support a planning proposal
- support an amendment to the LEP

# Application to amend Local Environmental Plan

The justification report must address the matters referred to below.

**a) 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.

**b) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

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 effective and most time effective approach to delivering the desired outcome.

**c) Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

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.

**d) Is the 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.

**e) 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.

## Application to amend Local Environmental Plan

**f) Is the planning proposal consistent with applicable Ministerial Directions (s 9.1 (previously s117) Directions)?**

Each planning proposal must identify which, if any, section 9.1 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.

**g) 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?**

This is applicable to development outside of Biodiversity Certification area only. If the land affected by your proposal contains above critical or threatened species habitat of any sort, it will be necessary to carry out an assessment of significance in accordance with Section 5A of the Environmental Planning and Assessment Act. This is applicable to development outside of the “biocertified area” being the area identified in the Map in Schedule 1 of the “Draft Order of Certification” (refer to Appendix 2 of the report entitled “Proposed Biodiversity Certification for the Wagga Wagga Local Environmental Plan 2009”, Department of Environment Climate Change and Water.

“Threatened Species assessment guidelines” can be found on the Department of Environment Climate Change and Waters website.

**h) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The justification report is to identify and address any likely environmental effects unique to the proposal that have not already been addressed. These might include natural hazards such as flooding, land slip, bushfire hazard, land contamination and the like.

If it is necessary to undertake further technical studies or investigations to address an identified matter these should be foreshadowed and can be undertaken following the initial ‘gateway’ determination.

**i) How has the planning proposal adequately addressed any social and economic effects?**

The justification report is also to address social and economic effects. This will include effects on items or places of European or Aboriginal cultural heritage not already addressed elsewhere.

# Application to amend Local Environmental Plan

## j) Is there adequate public infrastructure for the planning proposal?

Where applicable, the justification report for the proposal shall address whether existing infrastructure (roads, water, sewer, power, telecommunications, waste management and recycling services) and higher essential services (public transport, health, education and emergency services) is adequate to serve or meet the needs of the proposal. If not, the justification shall address how any deficiency in infrastructure provision is to be met.

## k) What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination.

Consultation with public authorities predominantly takes place after 'gateway' determination, however pre-consultation will help draw out potential issues which will need to be addressed as part of the justification report.

## 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. floor space ratio, building height, minimum lot size)
- The proposed alternate 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 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.