



Community Guide to Planning

December 2020





Acknowledgement of Country

The Department of Planning, Industry and Environment acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

Aboriginal people take a holistic view of land, water and culture and see them as one, not in isolation to each other. The Plain English Guide to Planning is based on the premise upheld by Aboriginal people that if we care for Country, it will care for us.

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Community Guide to Planning

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Artwork (left) by Nikita Ridgeway

Photo on the right courtesy of Destination NSW.
Wollongong Town Centre.

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1

What is the NSW planning system?

Planning is a decision-making process that determines how we use land – whether it be in a city, regional community or on a rural property.

The way we use land shapes everything from how we live and play, what we grow and make, where we meet and work, and where we should develop.

This Guide will help you better understand how the planning system works, so you can be involved and have a say in planning decisions affecting you, your community and your future.

What do we mean by planning?

Land is used in many different ways for homes, farms, roads, workplaces, parks, schools, bushland or shops – the many different pieces that form our cities, towns and neighbourhoods.

Planning helps us decide how land can best be used to create sustainable and thriving communities. It means looking at short- and long-term objectives and balancing everyone's different needs, including yours.

Strategic planning looks at the big picture and helps inform how and where change can take place, whether it's where new housing may be located, or where transport links or community infrastructure should go.

Decisions about any development and the best use of land must be transparent, clear and fair. The NSW planning system ensures this by establishing a clear strategic vision, which in turn informs planning controls that guide decision-making.

*Photo courtesy of Destination NSW.
One Central Park, Chippendale.*





The origins of modern planning

Modern planning originated as a result of the Industrial Revolution. When cities began to grow, challenges such as over crowding and sanitation needed to be addressed. In response, governments developed legislation to manage land use and services such as water and sewerage.

How you can get involved

There are so many ways you can get involved, learn more about, and have an influence on the planning system.

It could be as simple as finding out what you need to know before you build a shed or seek approval to renovate your house. It could be about giving your views on a nearby development, or perhaps suggesting where new parks or roads might go in your suburb. Or it could be about having your say on local planning rules or the long-term vision for where you live.

Chapter 7 on page 22 provides more information on how you can participate in planning for the future of NSW.

Photo courtesy of Destination NSW. Paddington Reservoir Gardens, Paddington.

How the NSW planning system affects you

It helps balance open and public spaces with a well-designed built environment

It helps identify where and how schools, hospitals and other community facilities are built

It sets rules for how you and your neighbours can use property and what can be built

It sets rules for big developments and sites that are significant to a region or the state

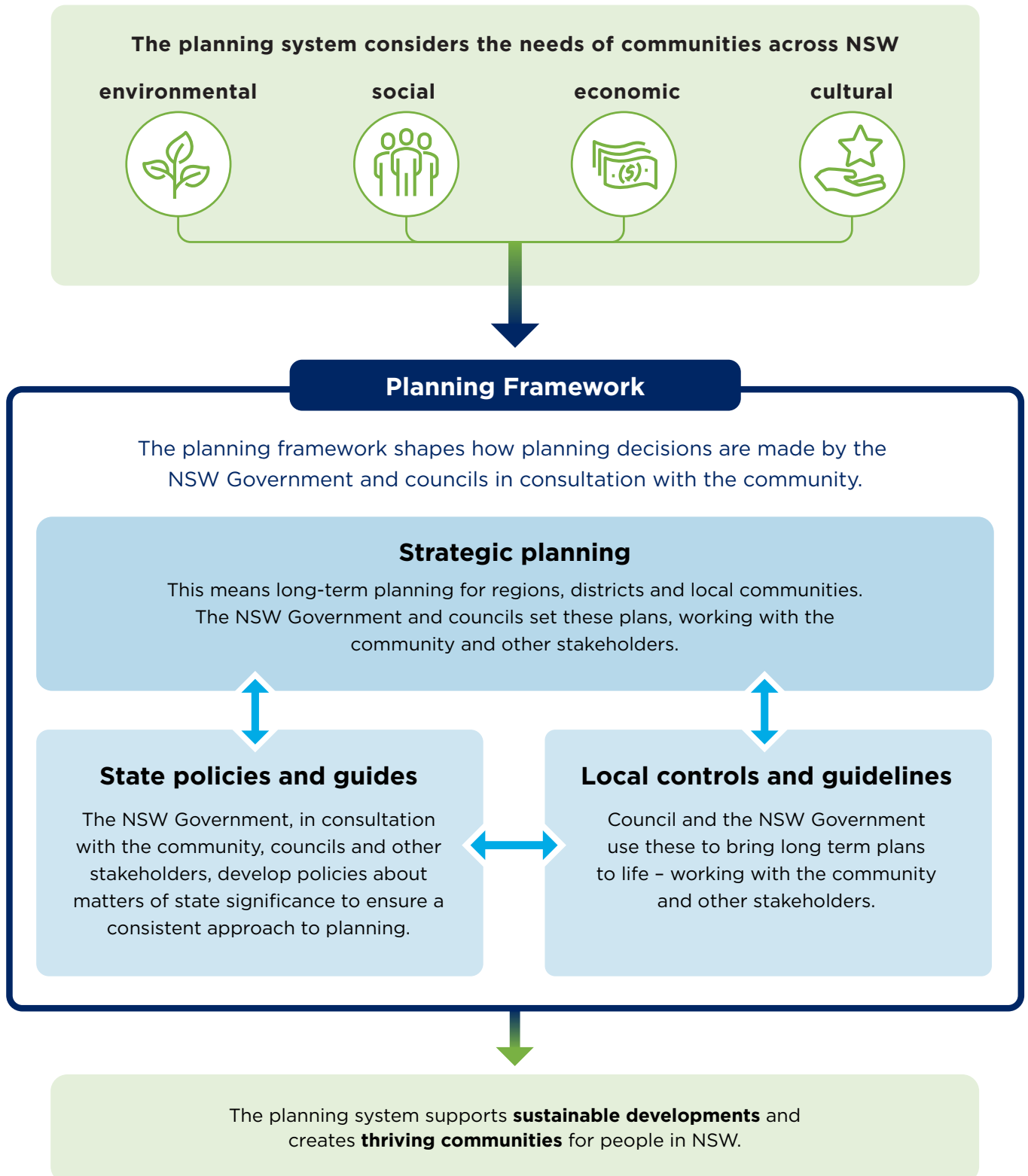
It encourages sustainable development

It creates opportunities for businesses to grow and for people to work closer to their homes

It supports local and regional economies and promotes the state's economic growth



The NSW planning system at a glance

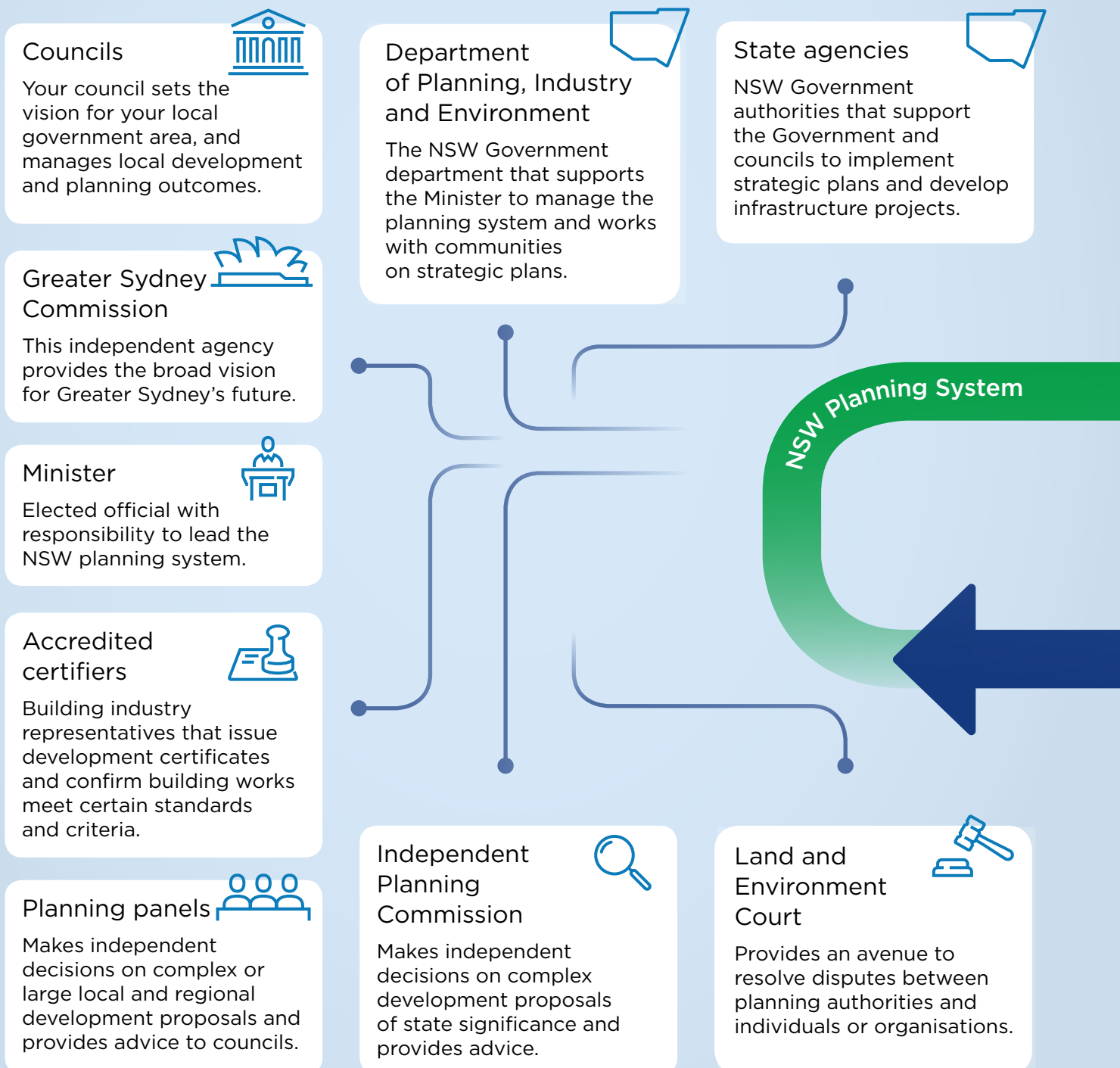


2

Who does the planning?

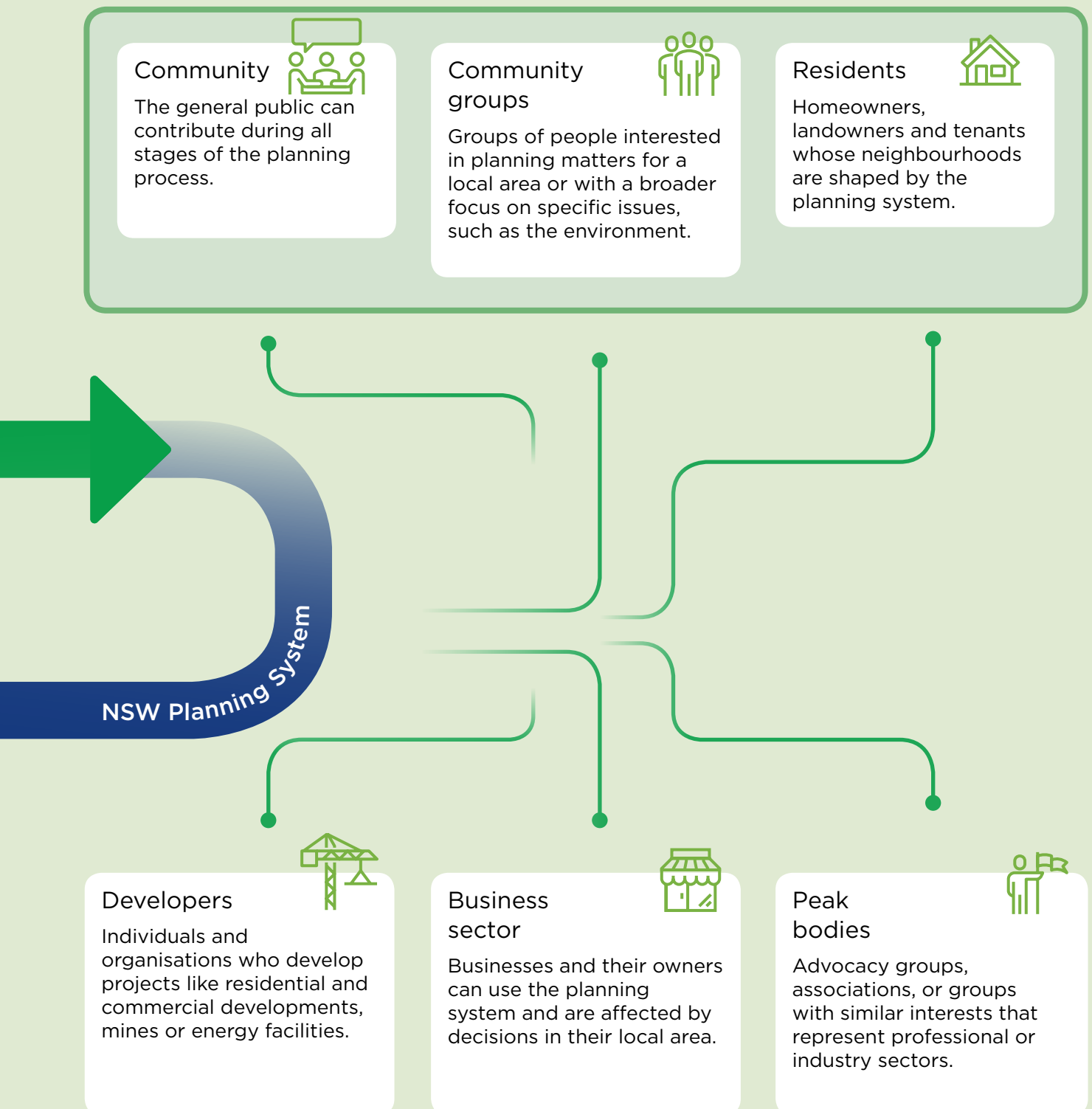
Planning authorities

A range of government organisations in NSW are involved in the planning system. We refer to these organisations as 'planning authorities'. They work with the community and stakeholders to develop strategic plans, create rules and policies to support these plans, and make decisions about development.



Community and other stakeholders

Many community and other stakeholders influence or are affected by the planning system.



What is the planning framework in NSW?

The NSW planning framework is the structure of rules that work to create a fair and transparent planning system.

The *Environmental Planning and Assessment Act 1979* (the Act) is the state's primary planning legislation.

The Act provides a legal framework for planning in NSW and facilitates effective planning for cities, towns and regions through consideration of social, economic, environmental and cultural matters.

The Act sets out:

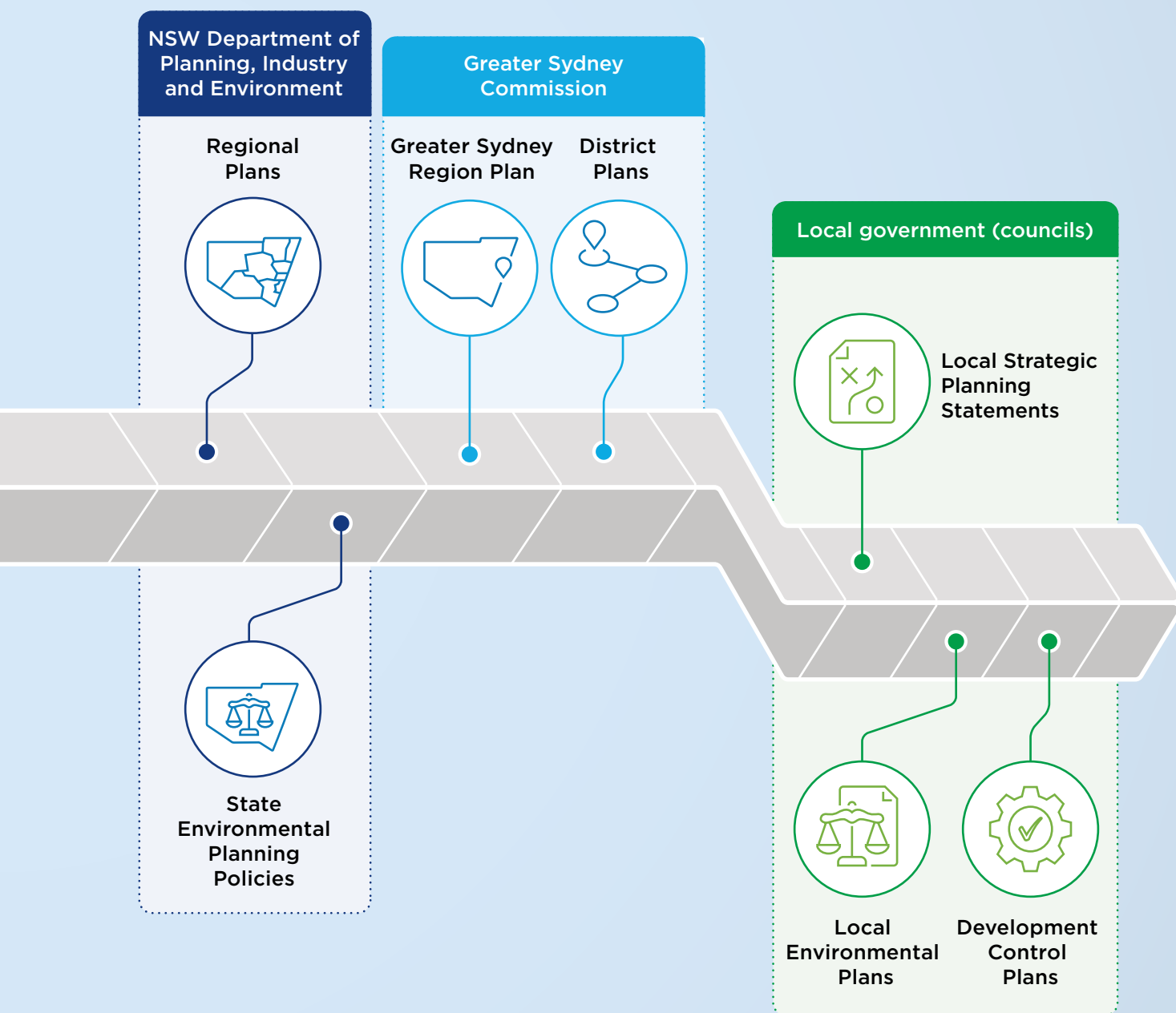
- Different roles and responsibilities for the Minister and other planning authorities, including councils
- The importance of community participation in the planning system and the minimum community participation requirements
- Different types of strategic planning at the local, district and regional levels that planning authorities must develop and deliver for their community
- Processes for developing state policies, controls and guides
- The planning pathways and other legal requirements that govern the assessment and approval of development and infrastructure
- How planning decisions are delivered, enforced, reviewed and appealed.

The Act is supported by the *Environmental Planning and Assessment Regulation 2000* (Regulation), which sets out procedural matters and how requirements of the Act are carried out.

PLANNING FRAMEWORK

Strategic planning

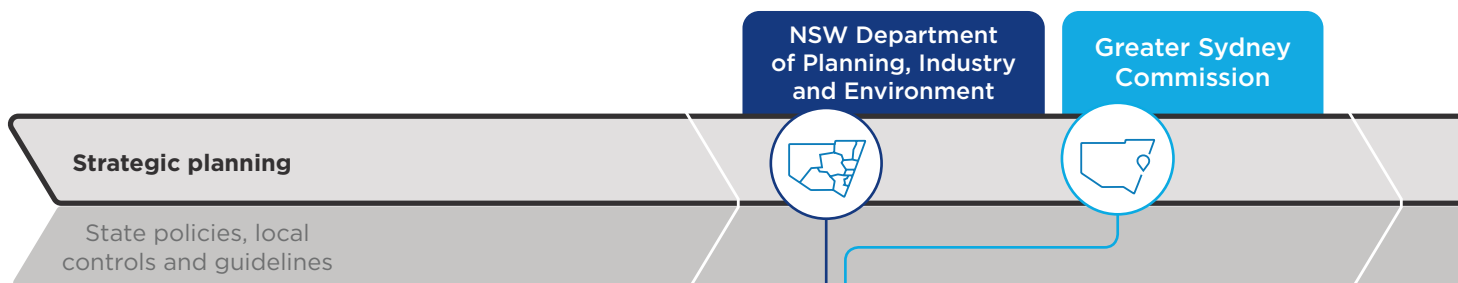
State policies, local
controls and guidelines



4

What is strategic planning?

Strategic plans set the big picture vision for NSW communities. Strategic planning provides more certainty about what will happen, when, why and where. This is why it's so important for people to be involved when the Department, Greater Sydney Commission or councils develop strategic plans.



Strategic plans and statements are prepared for regions, districts and local government areas. They are not meant to be a step-by-step approach to all land use planning. They just help guide decisions about how land should be used and where to locate new development to support thriving communities.

All strategic plans are informed by population, housing and job forecasts to understand what people will need to support healthy and sustainable communities and the environment.

Regional Plans

NSW is divided into ten regions; the Department prepares a strategic plan for each one, except Sydney, where the Greater Sydney Commission prepares the Greater Sydney Region Plan.

Regional plans set the vision and direction for strategic planning and land use, planning for the future needs for housing, jobs, infrastructure, a healthy environment and connected communities. They are reviewed every five years.

Find out more about your regional plan: planning.nsw.gov.au/Plans-for-your-area/Regional-Plans



Planning,
Industry &
Environment

Greater Sydney
Commission

Place-based planning

You may have heard of various place-based plans, such as precinct plans, master plans and place strategies.

These are developed when places are targeted for renewal or growth. In these instances, the NSW Government or the local council will prepare a plan to guide future development.

These plans identify a vision for the future character of an area, and could also identify specific actions or controls for development. To find out more about place-based plans in your local area, visit your local council's website or planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts

Greater Sydney Commission



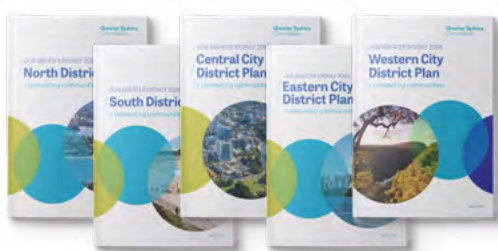
District Plans

Greater Sydney is further divided into five districts and the Greater Sydney Commission prepares a district plan for each.

District plans align with the Greater Sydney Region Plan and are a bridge between regional and local planning. They inform Council's Local Strategic Planning Statements and the setting of planning controls.

District plans are reviewed every five years.

Find out more about your district plan: greater.sydney/district-plans



Greater Sydney
Commission

Local government (councils)



Local Strategic Planning Statements

Your local council develops a Local Strategic Planning Statement, setting a 20-year vision for your local government area.

Each local strategic planning statement aligns with the relevant regional and district strategic plan. Councils review these statements at least every 7 years.

State agencies use local strategic planning statements when they plan for infrastructure and services because they provide information on how communities will grow in the future.

To find out more about your Local Strategic Planning Statement, visit your local council's website.

What are planning policies, controls and guidelines?

NSW Department of Planning,
Industry and Environment

Strategic planning

State policies, local
controls and guidelines



State Environmental Planning Policies

We use State Environmental Planning Policies (SEPPs) when we need a consistent, state-wide approach to development, infrastructure, industry or other environmental or social matters. They also inform how land or natural resources can be used, managed and conserved in NSW.

A SEPP can also allow particular types of development – described as ‘State significant’. A project’s size, economic value or potential impacts determine whether it’s State significant.

Examples of SEPPs include:

Environment

- **Building Sustainability Index SEPP**
Sets minimum sustainability targets for residential developments.
- **Sydney Drinking Water Catchment SEPP**
Protects Sydney’s drinking water and provides rules for development in and near the catchment.
- **Koala Habitat Protection SEPP**
Provides guidance to councils for managing koala habitat and ensures it is considered as part of the DA process.

Infrastructure and resources

- **Infrastructure SEPP**
Sets consistent rules for where and how infrastructure can be developed across NSW.
- **Three Ports SEPP**
Provides consistent planning rules for NSW’s three most significant ports (Botany, Kembla and Newcastle).
- **Mining, Petroleum Production and Extractive Industries SEPP**
Enables the consideration and management of important resources.

Development

- **Design Quality of Residential Apartment Development SEPP**
Sets out requirements for the design and development of apartment buildings.
- **Exempt and Complying Development SEPP**
Enables some development to be signed off by an accredited certifier or carried out without development approvals.

Local government (councils)



Local Environmental Plans

Councils typically develop Local Environmental Plans (LEPs) which set out rules to regulate development and land use in their local government area.

These LEPs contain specific rules for development, such as building height. They are the main planning tool for shaping local communities and ensure that local development is carried out appropriately. Every five years, councils decide whether to update their LEP.



Development Control Plans

Councils also prepare Development Control Plans to support their LEPs. These provide more detailed guidance for development – they cover things like building design, layout and access, signage, parking and waste management.

*Photo courtesy of Destination NSW.
Shops and cafes in Mudgee.*



What are planning zones?

Zones let you know what land uses are allowed in each area, as well as the approvals required.

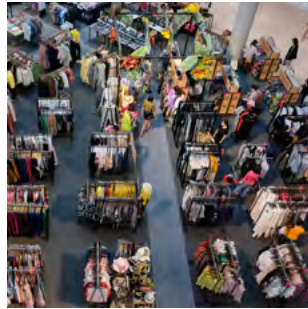
The four most common types of 'zones' for land use across NSW are:

Residential



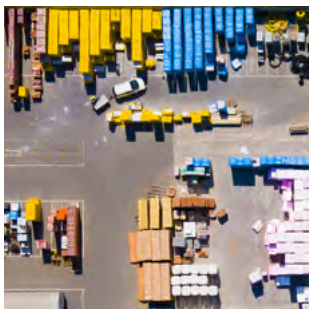
Example: R2 Low Density Residential

Commercial



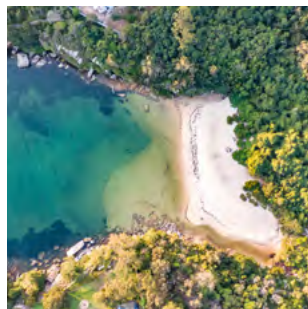
Example: B1 Neighbourhood Centre

Industrial



Example: IN1 General Industrial

Open Space



Example: RE1 Public Recreation

LEPs set objectives for each zone and the land uses that are permitted without consent, permitted with consent, or not permitted at all.

Zoning land allows the planning system to:

- enable appropriate land uses; for example, permitting a house in R2 Low Density Residential Zone;
- avoid conflicting land use, for example, by not permitting a house in the IN 1 General Industrial Zone.

Find out more about the zone of your property through the ePlanning Spatial Viewer or the NSW Legislation website:

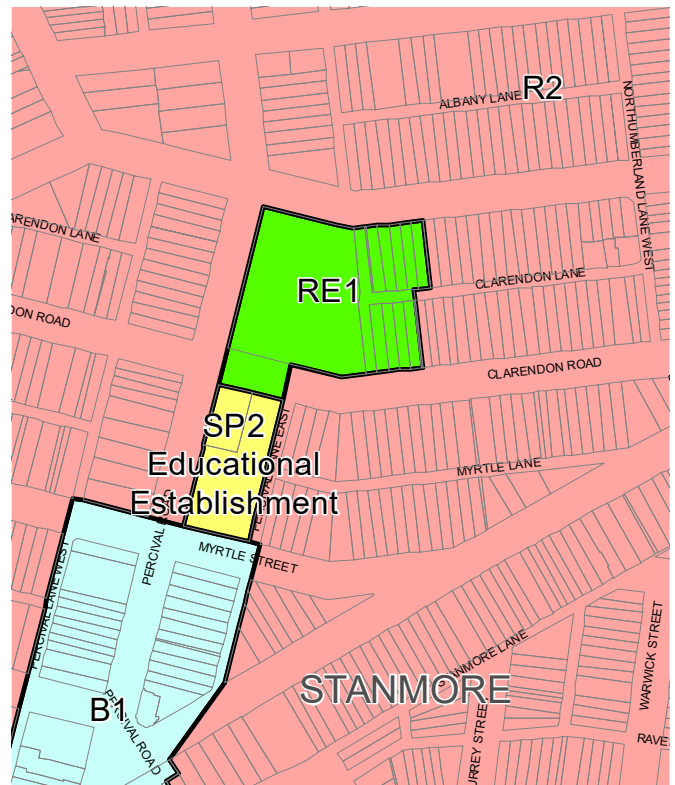
www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address

www.legislation.nsw.gov.au

Reading an LEP Map

LEPs include maps that show important land use rules like zones, building heights and floor areas.

B1	Neighbourhood Centre	RE1	Public Recreation
R2	Low Density Residential	SP2	Infrastructure



This Land Zoning Map from Marrickville LEP shows how land is zoned. Zones on a map are labelled by code and colour.

For example, the area shown in pink is zoned R2 (Low Density Residential).

LEP maps are also used to set other requirements such as:

- **Height of Building**
Rules for the maximum height a building can be built to.
- **Floor Space Ratio**
Rules for the maximum amount of floor space that can be built on a site.

Find out more about heights and floor space: www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Your-guide-to-the-DA-process/Getting-started/The-planning-system

Updating planning rules

A 'planning proposal' is used to create or amend an LEP.

The needs of our communities are constantly evolving, so we need methods to update planning rules and requirements. An LEP might need to be updated because a strategic plan sets a new vision for an area, or an LEP might need to respond to plans for a new transport link.

The planning proposal might include changes to the existing land uses or development controls; for example, it might propose rezoning land to allow for appropriate developments to support a new train station.

The community and other stakeholders are consulted on planning proposals, and sometimes expert or external advice is sought, like that of the Independent Planning Commission.

Planning proposals are typically prepared by councils. Land owners can also ask a council to prepare a planning proposal. If properly justified and supported by the council, planning proposals are then sent to the Department for review.

Once reviewed, planning proposals are generally returned to council, where they are exhibited, amended in response to any submissions, and then finalised.

How does the NSW planning system consider and protect heritage and the environment?

Heritage

NSW is home to many historic buildings, gardens and Aboriginal places of significance. Various state agencies, councils and Local Aboriginal Land Councils across NSW are responsible for the management and mapping of these heritage places.

Heritage is considered when planning decisions are made about individual developments and during the preparation of strategic plans.

Environment

Natural environmental areas in NSW range from national parks to local beaches, and everything in between.

The planning system protects, conserves and manages these important environmental areas, including any native plants and animals. These areas are considered throughout all stages of planning, from strategic planning through to individual developments.

*Photo courtesy of Destination NSW
Mutawintji National Park tour guide showing visitors
Aboriginal rock art at Mutawintji Historic Site.*



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How, when and why do developments need approval?

Some developments have major impacts, while others have very little. As a result, there are different ways of assessing them. Those with greater impact undergo a thorough assessment by planning authorities – either a council or the Department.

Those with lower impact don't require the same level of assessment by planning authorities, but still need to be approved. Some minor developments do not need approval at all.

What development does not need approval?

Exempt development

Some low-impact, routine activities and minor developments, such as replacement of a window, painting a house, installing a new fence or a changing business use may not need approval as long as they meet the relevant controls.

The LEP and/or SEPPs that apply to your area will include a list of developments that are exempt development.

Find out more at planningportal.nsw.gov.au/development-assessment/exempt-development

Development without consent

Development without consent generally applies to the everyday work of state agencies and infrastructure providers, such as installing electricity cables, water supply pipes or bus stops, are self-assessed by agencies and do not require development approval.

Find out more at planningportal.nsw.gov.au/development-assessment/development-without-consent



When is approval needed?

Complying development

Some straightforward developments may be approved through a streamlined process called complying development. This includes things like building a new home, house renovations and installation of a pool, farm buildings in rural areas or new industrial buildings.

This process applies to work that meets pre-determined standards, such as the size of the lot.

Complying development requires sign-off by a building professional – known as a certifying authority – who will decide whether it meets the right standards. Certifying authorities may be someone from your local council or an accredited private certifier.

It's always best that your neighbours know about any work you're planning. However, whether people need to be formally notified of complying development depends on the type of development.

Find out more at planningportal.nsw.gov.au/onlinecdc

Local development

Local development is the most common type of development in NSW. Examples include new homes, larger residential, commercial and industrial developments.

Local development requires a development application (DA), which is generally determined by the relevant council. However, the local planning panel in Greater Sydney and Wollongong or council in any other area determine more contentious, sensitive or complex developments.

A council's community participation plan describes how and when neighbours are consulted on DAs.

Find out more at planningportal.nsw.gov.au/onlineDA

How do I prepare a development application?

Read the steps to follow when lodging a development application in Your Guide to the Development Application Process.

Find out more at planning.nsw.gov.au/yourDAguide



Regionally significant development

Some developments are considered significant due to their size, economic value, location or impact. These developments can occur in metropolitan (except City of Sydney) and rural areas. Examples could be a waste or recycling centre, residential, commercial and industrial development, or small mines.

Councils assess regionally significant developments and the relevant Sydney District or regional planning panel makes the final determination.

A council's community participation plan will describe how and when neighbours are consulted on regionally significant development.

Find out more at planningportal.nsw.gov.au/development-assessment/regional-development

State significant infrastructure

Large infrastructure projects may be considered state significant due to their size, economic value or potential impact. The NSW Government is usually the applicant for these projects.

Examples may include road and rail infrastructure, pipelines, treatment plants, or wharf and boating facilities.

The Department assesses and the Minister for Planning and Public Spaces determines State significant infrastructure.

The community is notified and applications are publicly exhibited for a minimum of 28 days.

Find out more at planningportal.nsw.gov.au/major-projects/assessment/state-significant-infrastructure

State significant development

Some developments are considered State significant due to their size, economic value or potential impact.

Examples may include new schools or hospitals, major residential, commercial and industrial development, or mining operations.

The Department assesses State significant development applications and, in straightforward cases, can also provide the final determination. In some instances, including where there is a high level of public interest or a council has objected, the Independent Planning Commission makes determinations.

Development applications are publicly exhibited to enable community consultation for a minimum of 28 days.

Find out more at planningportal.nsw.gov.au/major-projects/assessment/state-significant-development

Above photo courtesy of Destination NSW. The Goods Line, Ultimo.

A case study

Sabina has plans to renovate her house. She wants to add an extra storey, as well as build a new fence.

She first checks the NSW Planning Portal, which gives her guidance on what requirements need to be satisfied to qualify for either exempt or complying development. Sabina also looks at the LEP maps which shows her property is zoned R2 Low Density Residential and has a maximum building height of 8.5 metres.

She discovers that the fence could qualify for exempt development, because her house is in the right zone, the fence is the right height and material, and she meets various other criteria. This means she can start building the new fence right away, although she decides to talk to her neighbours first.

The NSW Planning Portal also tells her that adding an additional storey won't qualify as either exempt or complying development, as it would be built too close to her neighbour's boundary. She seeks advice from planners at her local council, who confirm that she will need to lodge a development application.

Sabina engages a local architect and planner to prepare a development application on her behalf. After consulting with her neighbours and responding to their feedback, she lodges the application with council.

Council officers assess the application and request that Sabina sets back the extra storey to better respond to her street's character. Her architect makes the changes, and the application is approved.

After receiving her approval from council, Sabina engages a local builder and certifier to manage the construction, including satisfying any conditions placed on the approval.





How does the planning system help pay for infrastructure?

Some development needs supporting infrastructure; for example, where new homes are being built, the area will also require businesses, open spaces, libraries, schools, hospitals and transport links.

The planning system requires developers contribute to the cost of infrastructure supporting certain types of development. This helps councils and the NSW Government fund essential public services. They're called development and infrastructure contributions.

Local Infrastructure Contributions

Councils manage local infrastructure contributions that fund infrastructure such as roads, open space or drainage.

Special Infrastructure Contributions

For state and regional infrastructure such as major roads or land for schools within a defined area, the Minister determines special infrastructure contributions, which are administered by the Department.

Planning Agreements

A planning agreement can be voluntarily made by between planning authorities (councils or the Department) and developers to deliver public infrastructure rather than make financial contributions. Planning agreements allow for the timely delivery of infrastructure like parks and community facilities for residents, workers and visitors to enjoy.

*Above:
Marrickville
library, Sydney.*

*Right: The
compliance
team in
Newcastle.*



What else do I need to know about?

Modifications

Once a DA is approved, an applicant can apply to make changes to the approval – this is called a modification.

Modifications typically include changes to the design of a development or to the conditions placed on the approval.

Appeals

If an applicant is dissatisfied with a development application or modification decision, they can appeal the decision in the NSW Land and Environment Court.

Find out more at lec.justice.nsw.gov.au

Compliance

Planning authorities, usually a council or the Department, are responsible for checking whether approved developments meet the conditions under which they've been approved. This is called 'compliance'.

It is up to the applicant to ensure all conditions are complied with.

Councils are generally responsible for compliance matters in their local area, except for State significant development and State significant infrastructure, where the applicant must report on any non-compliances and whether they are meeting the conditions of consent.

The relevant planning authority may check compliance through:

- spot checks (unannounced visits to projects) or surveillance
- audits
- meetings with the community and key stakeholders to understand issues
- investigation of any complaints received.

If a condition of approval is not met, the planning authority may need to take action. This might begin with negotiating practical solutions with the applicant but may lead to penalty notices and criminal prosecutions.



7

How can I get involved and find out more?

There's plenty of information available online to help you use the system and be involved in planning.

When and why you should participate in planning

Early community participation in planning is vital to ensure strategic planning and planning rules are based on community knowledge and views.





What is decided at this stage?

Why should I participate?

Where can I find out more?

Strategic plans

- A vision and objectives for a region or area
- Where growth and change should occur

Your comments will help set a long-term vision for how change occurs and eventually shaping future planning controls for your local area.

Strategic plans prepared by the Department or the Greater Sydney Commission can be found here: planning.nsw.gov.au/Plans-for-your-area

Local Strategic Planning Statements can be found here: planningportal.nsw.gov.au/publications/local-strategic-planning-statements

Place-based plans

- A vision and objectives for a specific area
- Often includes guidance around future land uses and development controls, such as height or active street frontages

These plans are used as a basis for setting planning controls like height, density or how development looks and feels.

Plans that are on exhibition or under consideration can be viewed on the Planning Portal: planningportal.nsw.gov.au/draftplans

Council-led plans that are on exhibition can be found via your local council's website.

Planning proposals

- Planning controls in LEPs, such as land use, height or density

Development will generally need to be consistent with any planning controls set at this stage, so it is important that changes are properly considered.

Planning proposals that have been submitted to the Department can be tracked via LEPs Online: leptracking.planning.nsw.gov.au

You can comment on planning proposals that are on exhibition via your local council's website.

Development applications

- Whether a development should be approved or refused, depending on how it responds to the relevant planning controls
- Any conditions that must be complied with after approval

This process assesses development against the planning controls and feedback from the community. Your comments can help planning authorities make well-informed decisions that lead to good development outcomes.

You can track development applications being assessed by the Department on the Department's Major Projects website: planningportal.nsw.gov.au/major-projects

You can track development applications being assessed by your council via the NSW Planning Portal or your local council's website.

NSW Planning Portal

The NSW Planning Portal website includes easy to use digital planning services, mapping and reporting tools to help anyone involved in a proposed development. You can access the Planning Portal online at any time.

The Planning Portal includes:

- **Online DAs**
This enables you to lodge DAs online. At this stage, it is not available in every local government area, but it is being expanded to more councils. If the online DA service is not yet available in your area, you can lodge a DA directly with your local council.
- **Application tracking**
You can search for any DAs that have been lodged near you – either your own or someone else's
- **The ePlanning Spatial Viewer**
A digital mapping service providing easy to use maps, data and planning information for every address and lot in NSW.
- **Interactive house**
An interactive tool for exempt and complying development allows you to click on a section of a house – like a deck, skylight or swimming pool – to understand what rules apply.
- **Community Participation Plans**
Plans that set out how all NSW planning authorities will engage with communities on planning matters.

Find out more at
planningportal.nsw.gov.au

Councils

Councils provide a wealth of information about planning in their local area, including strategic plans, development applications and planning proposals currently on exhibition.

Find out more by visiting your local council's website.

NSW Legislation website

The NSW Government's legislation website contains electronic copies of authorised versions of NSW legislation.

You can access the Act, Regulation and any environmental planning instruments (SEPPs or LEPs) referred to in this Guide on the NSW Legislation website. Development control plans are available on your local council's website.

Find out more at legislation.nsw.gov.au

Contact us

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Connect with us on
Twitter.com/NSWDPIE

Find us on
Facebook.com/NSWDPIE

For a translating and interpreting service, please telephone 131 450 and ask for an interpreter in your language to connect you to 1300 305 695.



Common planning abbreviations

Planning authorities

DPIE

Department of Planning, Industry and Environment

GSRP

Greater Sydney Region Plan

IPC

Independent Planning Commission

LEC

Land and Environment Court

Planning framework

EP&A Act

Environmental Planning and Assessment Act 1979

EP&A Regulation

Environmental Planning and Assessment Regulation 2000

Strategic planning

LSPS

Local Strategic Planning Statement

Planning policies, controls and guidelines

DCP

Development Control Plan

LEP

Local Environmental Plan

SEPP

State Environmental Planning Policy

Development approval

BASIX

Building Sustainability Index

DA

Development Application

FSR

Floor Space Ratio

HOB

Height of Building

RSD

Regionally Significant Development

SIC

State Infrastructure Contributions

SSD

State Significant Development

SSI

State Significant Infrastructure



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