



**Planning &
Infrastructure**

Guidelines for Landowner Input into Precinct Planning

November 2011

Purpose

Establish principles and guidelines for landowner involvement in growth centre precinct planning whilst ensuring probity requirements are satisfied.

These guidelines apply to precincts released in accordance with the Government's release sequence in the Growth Centres. Precincts released under the Precinct Acceleration Protocol follow a separate process that clearly establishes opportunities for landowner involvement in precinct planning prior to the precinct being released.

1. Background

Generally greenfield housing delivery, as a first step, requires land to be rezoned to make urban development permissible under the *Environmental Planning and Assessment Act 1979* (EPA Act). The rezoning, often referred to as precinct planning, starts after an area is released by the Government. In the Sydney Growth Centres this occurs under the provisions of the *Environmental Planning and Assessment Regulation 2000*.

Historically landowners have provided input into the rezoning process during the exhibition of a draft plan however this narrow approach limits opportunities for landowners to inform the planning outcomes early in the process.

A broader approach to landowner input, including the commissioning of studies, is appropriate within a clear framework that satisfies probity requirements. These guidelines establish this framework for landowner input into the rezoning process in the Growth Centres.

2. Responsibilities and Principles**Responsibilities**

- Under the EPA Act, the Minister is responsible for the rezoning of land. In the Growth Centres, rezoning is achieved under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).
- Department of Planning and Infrastructure (DP&I) ensures advice and recommendations to the Minister are impartial and accurate.
- DP&I ensures probity requirements are satisfied for the rezoning process.
- Under the EPA Act, the Director General of the DP&I is responsible for the approval of a Development Control Plan (DCP) for a precinct.
- Local councils have a key role in the planning for release precincts, housing approvals and infrastructure delivery.

Principles

- Landowner input into the rezoning process is supported subject to probity requirements being satisfied.
- Landowner commissioning of studies to inform the rezoning process is supported subject to the requirements set out below being satisfied.

3. Probity

The NSW Independent Commission Against Corruption (ICAC) probity fundamentals (*Probity and probity advising*, ICAC, November 2005) applying to the precinct planning process are:

- Maintaining impartiality
- Managing conflicts of interest
- Maintaining accountability and transparency
- Maintaining confidentiality
- Obtaining value for money

A probity plan to ensure the above principles are appropriately addressed will be prepared for each precinct planning project, relevant to the circumstances of each precinct, where:

- Opportunity for landowner input into precinct planning beyond any formal public consultation process is proposed.
- One or more landowners has undertaken or is proposed to undertake studies on behalf of DP&I to inform precinct planning.

4. Landowner input in precinct planning

a. Precinct Planning studies

Landowners or proponents may undertake or fund precinct planning studies subject to:

- Proposed briefs and scope of services for studies are approved by DP&I and are in accordance with the DP&I standard briefs.
- Studies are undertaken for the whole release area unless otherwise agreed by DP&I.
- Studies are undertaken by suitably qualified professionals as agreed by DP&I.
- The studies are necessary and relevant to precinct planning as determined by DP&I.
- Studies that have been completed, where the proposed brief and scope of services have not been approved by DP&I, may be used to inform precinct planning with approval of DP&I.
- The timeframe for the completion of studies does not have a negative impact on rezoning timeframes.
- Studies may be subject to peer review as required by DP&I.

b. Special Infrastructure Contribution (SIC) offset credits

SIC offset credits may be provided for planning studies that benefit the planning process. These SIC offset credits may be used in lieu of paying relevant amounts of SIC for subsequent development within the Growth Centres.

A Voluntary Planning Agreement (VPA) will formalise the application of Special Infrastructure Contributions offset credits

Requests for SIC offset credits are to be made in writing to DP&I. The extent to which studies receive a SIC offset credit, will be based upon whether:

- Studies have been undertaken in accordance with DP&I requirements as specified in section 5a of this document;
- Studies are provided to DP&I for their review prior to the commencement of precinct planning, or at a time acceptable to DP&I;
- Rights for use of the planning studies are made available to DP&I in writing;

- Invoices directly relating to the studies and proof of payment are provided, and in the opinion of DP&I, represent value for money when compared to similar studies undertaken for DP&I;
- Studies that do not completely satisfy the requirements of DP&I or those that only cover part of a precinct will be determined on a cost saved basis for the broader studies as determined by DP&I;
- Costs for peer reviews, deemed to be required by DP&I, may be deducted from any attributable SIC offset credits.

To satisfy probity requirements, DP&I will procure and manage a project manager, urban design/master planning and statutory planning consultants. SIC offset credits will not be provided for these.

SIC offset credits will not be provided for studies or consultants, including project managers, where they are engaged to provide information/advice to the landowner.

c. Governance and Landowner engagement in precinct planning

The EPA Act does not require formal public exhibition of a draft SEPP however in practice all draft Growth Centre Precinct Plans undergo public exhibition to provide landowners, Council and other interested persons or organisations the opportunity to comment on draft planning controls for a precinct.

Landowner input into the rezoning process in addition to the formal exhibition process will be undertaken in accordance with a Probity Plan prepared by DP&I.

A Project Plan that establishes clear governance arrangements (including the authority of DP&I to determine which meetings landowners may attend and the need to minute meetings) and sets out the roles and responsibilities of DP&I, council and landowners for precinct planning will be prepared for each precinct taking into account the probity fundamentals set out in Section 3 above.

Landowner input will be subject to that landowner agreeing to the Probity Plan.