



# PLANNING PROPOSAL POLICY P2.0268.2

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# PLANNING PROPOSAL POLICY

**DIVISION:** PLANNING AND ENVIRONMENT

**BRANCH:** STRATEGIC PLANNING

**CATEGORY:** 3

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## PART 1 – PLANNING PROPOSAL POLICY

### 1. BACKGROUND

1.1 The Planning Proposal Policy sets out the procedures for the assessment and management of Planning Proposals. This will ensure that Council Officers progress the assessment of Planning Proposals efficiently, correctly and with transparency.

### 2. OBJECTIVE

2.1 The objectives of this policy are to:

- a. Guide Council Officers on the process of managing a Planning Proposal including the process for Initial Notification; and
- b. Document Council's requirements for the submission of Planning Proposals by Proponents.

### 3. SCOPE

- 3.1 This policy applies to all Planning Proposals. This includes proposals submitted to Council for consideration and proposals initiated by Council to amend *Camden Local Environmental Plan 2010* (Camden LEP) and/or *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).
- 3.2 If any part of this policy is inconsistent with statutory provisions or guidance documents prepared by the NSW Department of Planning, Industry and Environment (DPIE), those provisions prevail.

### 4. DEFINITIONS

In this policy words and phrases have the following meaning:

- 4.1 **Camden Local Planning Panel (CLPP)** Camden's Local Planning Panel is a panel of three independent expert members and a community member who provide advice to Council on Planning Proposals.
- 4.2 **Council Initiated Planning Proposal** means any Planning Proposal initiated by Council that is not a Housekeeping Amendment. This can include Planning Proposals involving the Reclassification of Land.
- 4.3 **Council Officers** means Council staff within Strategic Planning who are responsible for assessing and managing the Planning Proposal.

- 4.4 **EP&A Act** means *Environmental Planning and Assessment Act 1979*.
- 4.5 **Gateway Determination** means a document issued by the Minister for Planning and Public Spaces, the Minister (or delegate) which specifies whether a Planning Proposal is to proceed and, if so, in what conditions. This document is issued by the Minister for Planning and Public Spaces or a delegated authority to make such a determination.
- 4.6 **Housekeeping Amendments** means a Council Initiated Planning Proposal that seeks to correct an error or an anomaly in Camden LEP or Growth Centres SEPP.
- 4.7 **Initial Notification of Planning Proposal (Initial Notification)** means community consultation undertaken at the beginning of the planning process prior to a proposal being considered at a CLPP meeting and an Ordinary Council meeting.

*Note: Initial notification of a planning proposal is not a statutory requirement.*

- 4.8 **LG Act** means the *Local Government Act 1993*.
- 4.9 **Major Planning Proposal** means a Planning Proposal that Council assesses as meeting the following criteria:
- a. medium complexity; and
  - b. medium scale (typically involving less than 500 additional lots, or equivalent dwellings); and
  - c. requires multiple local environmental studies to be completed; and
  - d. requires consultation with multiple public agencies and infrastructure providers.

Examples of Major Planning Proposals include those that seek to rezone land to facilitate housing of a medium scale and/or employment growth.

- 4.10 **Minor Planning Proposal** means a Planning Proposal that Council assesses as meeting the following criteria:
- a. low complexity; and
  - b. small scale (typically involving a spot rezoning of one or two lots); and
  - c. correcting a zoning anomaly or other minor error within the legislative framework; and
  - d. unlikely to have significant impacts on the natural, built, social and economic environment; and
  - e. requiring minimal environmental studies to be completed.

Examples of Minor Planning Proposals include those that involve spot rezoning(s) and/or a Housekeeping Amendment.

- 4.11 **Planning Proposal** means a written document that explains the intended effects of a proposed Local Environmental Plan and/or State Environmental Planning Policy and sets out the justification for making that plan, prepared in accordance with *A guide to preparing planning proposals* (prepared by DPIE, December 2018).
- 4.12 **Proponent** means the person or organisation who initiates a Planning Proposal. Where a Planning Proposal is submitted to Council for consideration, the Proponent will most likely be a landowner, developer or consultant. If Council initiates a Planning Proposal, Council is the Proponent.
- 4.13 **Reclassification of Land** All public land must be classified as “community” or “operational” in accordance with the LG Act. Reclassification of public land occurs when its classification needs to be changed. Reclassification of Land may be undertaken through a Planning Proposal to amend the Camden LEP or by a resolution of Council under section 31, 32 and 33 of the LG Act.
- 4.14 **Significant Planning Proposal** means a Planning Proposal that Council assesses as meeting the following criteria:
- a. high complexity; and
  - b. involves large scale or consideration of precinct-wide outcomes (generally involves 500 or more lots, or equivalent dwellings); and
  - c. seeks to facilitate significant growth; and
  - d. involves major policy review and/or a variation to the strategic framework; and
  - e. involves multiple local environmental studies to be completed; and
  - f. requires coordination and consultation with a range of stakeholders including but not limited to multiple public agencies and infrastructure providers.

Examples of Significant Planning Proposals include those that seek to rezone land to deliver significant housing growth and/or precinct-wide outcomes.

*Note 1: For Major and Significant Planning Proposals, the planning process will be guided through a project plan, communications plan and probity plan prepared by Council Officers. A Project Working Group maybe established by Council including Council Officers, DPIE officers and Proponent representatives. A Project Working Group may be governed by a probity plan that details each parties’ right, responsibility and additional resourcing.*

*Note 2: The categorisation of Planning Proposals as minor, major or significant is at the discretion of Council Officers.*

## 5. FEES AND CHARGES

- 5.1 Planning Proposal fees will be determined based on Council’s [Schedule of Fee and Charges](#).

- 5.2 The Proponent is required to pay an initial Planning Proposal fee (not subject to refund) when submitting a Planning Proposal and a second processing fee following an initial Council decision on the Planning Proposal.
- 5.3 The Proponent is to bear the full costs of all specialist studies required for a Planning Proposal.
- 5.4 In accordance with Council's Schedule of Fee and Charges, fees for Significant Planning Proposals will be calculated at a full cost recovery rate. A cost agreement option (via a funding agreement between Council and the Proponent) will be required on a case by case basis at the initial stage of the process (i.e. pre-lodgement stage). The funding agreement will cover the costs of the following :
- a. administration involved in the process;
  - b. staff resourcing/salary for Council Officers managing the Planning Proposal;
  - c. preparation of specialist studies (including peer-review studies) required to progress the proposal;
  - d. preparation of a Contributions Plan and/or Voluntary Planning Agreement;
  - e. notification/ advertisement costs (includes translation costs when required); and
  - f. overhead costs.

Note: The type of costs to be included in the Cost Agreement will be at the discretion of Council Officers, and determined in negotiation with the Proponent. This will be assessed on a case by case basis, depending on the unique circumstances of each Planning Proposal.

## **6. SUBMIT A PLANNING PROPOSAL**

- 6.1 The submission date for a Planning Proposal will be the date on which Council has received all of the following:
- a. Planning Proposal, and
  - b. Initial payment of relevant Planning Proposal fee, and
  - c. Completed Planning Proposal application form, and
  - d. Typical specialist studies (where required by Council Officers), and
  - e. Political disclosure and donation form; and
  - f. Planning Proposal checklist.

## **7. WITHDRAW A PLANNING PROPOSAL**

- 7.1 A Planning Proposal can be withdrawn at the Proponent's request prior to the Gateway Determination stage. The Proponent will need to provide Council Officers with the withdrawal request in writing. Refund of the relevant fee is at the discretion of the Manager, Strategic Planning on a case-by-case basis.
- 7.2 Council Officers may request a Proponent to withdraw a Planning Proposal in the following circumstances:
  - a. The Planning Proposal does not demonstrate strategic and/or site-specific planning merit; and/or
  - b. Both CLPP and Council Officers recommend refusal prior to reporting to Council for determination; and/or
  - c. The Proponent has failed to respond to Council's request for further information within a timeframe specified in the request. The required timeframe is at the discretion of Council Officers and will be determined on a case by case basis.

## **8. INITIAL NOTIFICATION OF A PLANNING PROPOSAL**

- 8.1 Prior to reporting a Planning Proposal to the CLPP and Council, Council Officers may undertake Initial Notification with adjoining landowners.
- 8.2 The decision to proceed with Initial Notification of a Planning Proposal is at the discretion of the Director Planning and Environment and Manager Strategic Planning.
- 8.3 The Initial Notification requirements of a Planning Proposal include:
  - a. Publicly notify for a minimum period of 14 days;
  - b. Notification letter with a copy of the Initial Notification fact sheet; and
  - c. Place a copy of the Planning Proposal package on Council's website.

Initial Notification will be undertaken in accordance with Council's draft Community Participation Plan.
- 8.4 Submissions received during the Initial Notification period will be considered in a report to the CLPP and Council.
- 8.5 Submitters at the Initial Notification stage will be advised of any public exhibition required by Gateway Determination.
- 8.6 Submissions received during the Initial Notification period (if applicable) will not be counted as a submission to the formal public exhibition required by a Gateway Determination.

## **9. CONSULTATION WITH PUBLIC AGENCIES**

- 9.1 Prior to reporting a Planning Proposal to the CLPP and Council for Gateway Determination, Council Officers may consult with public agencies if deemed necessary.

- 9.2 Further consultation with public agencies will be undertaken in accordance with the Gateway Determination

## **10. PUBLIC EXHIBITION**

10.1 As a mandatory community participation requirement of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), Planning Proposals must be placed on public exhibition for a minimum of 28 days, or as specified in a Gateway Determination:

- a. If a different public exhibition period is specified in the Gateway Determination for the proposal – the period so specified; or
- b. If the Gateway Determination specifies that no public exhibition is required because of the minor nature of the proposal – no public exhibition.

## **11. CONSIDERATION OF SUBMISSIONS**

11.1 Consideration of submissions must be consistent with the principles identified in Council's Community Participation Plan. For a submission to be counted it needs to be unique in substance, distinctive or unlike any other submission.

11.2 If more than one identical submission is received from the same address, the submission will be counted as one submission.

11.3 If a person submits more than one response those responses will be considered as one submission

11.4 Where a petition is received, this will be considered as one unique submission.

11.5 Council Officers will acknowledge the receipt of a submission and advise the date that Council will consider the relevant report on the Planning Proposal.

## **12. PLANNING PROPOSAL REGISTRATION**

12.1 All key milestones of managing a Planning Proposal are required to be registered in Council's corporate document management system (EDMS and Authority). The purpose of registering a Planning Proposal in Authority is to promote accountability and consistency in managing a Planning Proposal.

12.2 The key milestones for managing a Planning Proposal include:

- a. Lodgement of a Planning Proposal;
- b. Initial Notification of a Planning Proposal;
- c. Report to the CLPP;
- d. Report to Council;
- e. Submit to DPIE for Gateway Determination;
- f. Gateway Determination Received;
- g. Public Exhibition;



- h. Post Exhibition Report to Council;
- i. Submit to DPIE to make LEP Amendment;
- j. LEP Notification.

### **13. LOCAL PLANNING PANEL**

13.1 Under section 9.1 of the EP&A Act, all Planning Proposals are required to be reported to the CLPP for planning advice prior to Council Determination, unless the Planning Proposal relates to:

- a. The correction of an obvious error in a local environmental plan;
- b. Matters that are of a consequential, transitional, machinery or otherwise minor in nature; or
- c. Matters the General Manager considers will not have any significant adverse impact on the environment or adjoining land.

13.2 The report to the CLPP needs to include a recommendation on whether or not the Planning Proposal should be forwarded to the Minister for a Gateway Determination under section 3.34 of the EP&A Act.

13.3 If the CLPP's advice is that the Planning Proposal should not proceed to Gateway Determination, Council Officers can recommend the Proponent to:

- a. withdraw the Planning Proposal; or
- b. amend the Planning Proposal to address the Panel advice.

Council Officers can also report the Planning Proposal to Council as submitted.

13.4 The [Camden Local Planning Panel Operational Procedures](#) sets out further information in relation to meeting procedures and requirements.

### **14. REMOVE AND INCLUDE LAND IN A PLANNING PROPOSAL**

14.1 Council may only add or remove land from a landowner, developer or consultant led Planning Proposal if:

- a. Council has consulted with the landowner of the land to be added or removed; and
- b. Council has consulted with the Proponent and obtained the consent to fund the likely studies to be required after the amendments; and
- c. Council is satisfied that the addition/removal of the land will achieve a better outcome based on the Council Officers' assessment of planning merit.

**RELEVANT LEGISLATIVE INSTRUMENTS:** *Camden Local Environmental Plan 2010*  
*Local Government Act 1993*  
*Environmental Planning & Assessment Act 1979*  
*Environmental Planning & Assessment Regulation 2000*  
*State Environmental Planning Policy (Sydney Region Growth Centres) 2006*

**RELATED POLICIES, PLANS AND PROCEDURES:** [A guide to preparing planning proposals](#)  
[A guide to preparing local environmental plans](#)  
[Camden Local Planning Panel Operational Procedures](#)

**RESPONSIBLE DIRECTOR:** Director Planning and Environment

**APPROVAL:** ELG

## PART 2 - HISTORY

Version	Approved by	Changes made	Date	EDMS Number
1	ELG	Original	07/05/2020	20/173508
2	ELG	New Provisions on Significant Planning Proposals	22/04/2021	20/152756

# PART 3 - PLANNING PROPOSAL PROCESS

