



PLANNING PROPOSAL POLICY P2.0268.1

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PLANNING PROPOSAL POLICY

DIVISION: PLANNING AND ENVIRONMENT

BRANCH: STRATEGIC PLANNING

CATEGORY: 3

PART 1 – PLANNING PROPOSAL POLICY

1. OBJECTIVE

1.1 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.

2. SCOPE

- 2.1 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).
- 2.2 Where this policy is inconsistent with statutory provisions or guidance documents prepared by the NSW Department of Planning, Industry and Environment (DPIE), those provisions prevail.

3. DEFINITIONS

In this policy words and phrases have the following meaning:

- 3.1 **Council Initiated Planning Proposal** means any Council initiated Planning Proposal that is not a Housekeeping Amendment.
- 3.2 **Camden Local Planning Panel** 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.
- 3.3 **Initial Notification of Planning Proposal** means community consultation undertaken at the beginning of the planning process prior to a proposal being considered at a Camden Local Planning Panel meeting and an Ordinary Council meeting.

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

- 3.4 **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 circumstances.
- 3.5 **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 (DPIE, December 2018).
- 3.6 **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. Where Council initiates a Planning Proposal, Council is the proponent.
- 3.7 **Housekeeping Amendments** means a Council initiated Planning Proposal that seeks to correct an error or an anomaly in Camden LEP or Growth Centres SEPP.
- 3.8 **Minor Planning Proposal** means a proposal that is usually initiated by the proponent that Council considers to be:
- a. Small/minor in nature and scale; and
 - b. Unlikely to have significant impacts on the natural, built, social and economic environment and requires minimal studies to complete the Planning Proposal.
- 3.9 **Major/Significant Planning Proposal** means a proposal initiated by the proponent that Council considers to be:
- a. Large in nature and scale; and
 - b. Often generate significant growth from rezoning, which requires multiple specialist studies to complete.

Note: for major and significant Planning Proposals, 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.

- 3.10 **Reclassification of Land** All public land must be classified as “community” or “operational” in accordance with the Local Government Act 1993 (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 Camden LEP or by a resolution of Council under section 31, 32 and 33 of the LG Act.

4. FEES AND CHARGES

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

- 4.2 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.
- 4.3 Full cost is to be borne by the proponent for all specialist studies required for a Planning Proposal.

5. SUBMIT A PLANNING PROPOSAL

- 5.1 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.

6. WITHDRAW A PLANNING PROPOSAL

- 6.1 A Planning Proposal can be withdrawn at the proponent's request prior to the Gateway Determination stage. The refund of the relevant fee is at the discretion of the Manager Strategic Planning on a case-by-case basis.
- 6.2 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 Camden Local Planning Panel and Council officers recommended for 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 required timeframe. The required timeframe is at the discretion of Council officers on a case by case basis.

7. INITIAL NOTIFICATION OF A PLANNING PROPOSAL

- 7.1 Prior to reporting a Planning Proposal to the CLPP and Council, Council officers may undertake initial notification with adjoining landowners.
- 7.2 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.

- 7.3 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 initial notification fact sheet; and
 - c. Place a copy of the Planning Proposal package on Council's website.
- 7.4 Submissions received during initial notification period will be considered in a report to Camden Local Planning Panel (CLPP) and Council.
- 7.5 Submitters at the initial notification stage will be advised of any public exhibition required by Gateway Determination.
- 7.6 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.

8. CONSULTATION WITH PUBLIC AGENCIES

- 8.1 Prior to reporting a Planning Proposal to the CLPP and Council for Gateway Determination, Council officers may consult with public agencies if deemed necessary.
- 8.2 Further consultation with public agencies will be undertaken in accordance with the Gateway Determination

9. PUBLIC EXHIBITION

- 9.1 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.

10. CONSIDERATION OF SUBMISSIONS

- 10.1 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.
- 10.2 Where more than one identical submission is received from the same address, the submission will be counted as one submission. Where a person submits more than one response those responses will be considered as one submission
- 10.3 Where a petition is received, this will be considered as one unique submission.
- 10.4 Council officers will acknowledge the receipt of a submission and advise the date that Council will consider a report on the Planning Proposal.

11. PLANNING PROPOSAL REGISTRATION IN AUTHORITY

11.1 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.

11.2 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 Camden Local Planning Panel;
- 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.

12. LOCAL PLANNING PANEL

12.1 Under section 9.1 of the EP&A Act, all Planning Proposals are required to be reported to Camden Local Planning Panel (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.

12.2 The report to 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.

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

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

- c. Report the Planning Proposal to Council as submitted.
- 12.4 The [Camden Local Planning Panel Operational Procedures](#) sets out further information in relation to meeting procedures and requirements.

13. REMOVE AND INCLUDE LAND IN A PLANNING PROPOSAL

- 13.1 Council may only add or remove land from a landowner, developer or consultant led Planning Proposal if:
- a. Council has consulted with the landowner and obtained consent from 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 planning outcome.

RELEVANT LEGISLATIVE INSTRUMENTS: *Local Government Act 1993*
Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2000

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

RESPONSIBLE DIRECTOR: Director Planning and Environment

APPROVAL: ELG

PART 2 - HISTORY

Version	Approved by	Changes made	Date	EDMS Number
1	ELG	New	07/05/2020	20/152756

PART 3 - PLANNING PROPOSAL PROCESS

