



# COUNCIL POLICY

## Planning Proposal Policy

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<b>Clause Number</b>	CCL22/261
<b>Responsible Position</b>	Manager Growth Planning
<b>Branch</b>	Growth Planning
<b>Division</b>	Development and Environment
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<b>Consultation</b>	

Document Revision History	
Description	Date
Version 3 – Incorporating a tiered fee structure with 2 payment milestones	8 February 2021
Version 4 – Incorporating a tiered fee structure with 3 payment milestones, and changes to definitions (minor, major, complex)	

# **POLICY**

## **PURPOSE**

The purpose of this Policy is to provide guidance to landowners, developers and the community on the application of Council's three-tiered fee structure for the assessment of a planning proposal request. The Policy aims to ensure that the application of the fee structure is delivered in a clear and transparent manner which can be easily interpreted and understood.

## **BACKGROUND AND RELATED LEGISLATION**

A Planning Proposal is the document that explains the intended effect of, and justification for, a proposed amendment to a Local Environmental Plan (LEP). A Planning Proposal can be prepared by an applicant, however they must be endorsed by Council and the NSW Government Department of Planning and Environment (DPE) in order to take effect. This process must be undertaken in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979.

This Policy should be read in conjunction with:

- Environmental Planning and Assessment Act 1979
- DPE's *"Local Environmental Plan Making Guideline"*

Council, on 27 June 2022, adopted the fees and charges for the 2022/2023 financial year. The document included a revised fee structure for the preparation of an amendment to a local environmental plan as requested by a developer.

## **SCOPE**

This Policy applies to any owner-led planning proposal request lodged with Council which seeks to amend the Dubbo Regional Local Environmental Plan 2022.

## **POLICY**

### **1. Stages in the planning proposal**

The six key stages related to the making of an LEP are:

- Stage 1 – Pre-lodgement
- Stage 2 – Lodgement and assessment
- Stage 3 – Gateway determination
- Stage 4 – Post Gateway
- Stage 5 – Public exhibition and assessment
- Stage 6 – Finalisation

Pre-lodgement is not a legislative requirement, however Council requires it to be undertaken.

## 2. Fee structure and timing of payment

Council plays a key role in the assessment and processing of Planning Proposal requests. To cover the costs associated with the assessment and processing of a planning proposal request, Council has adopted a new tiered fee structure.

Each fee comprises of three separate payments. Payment 1 is to be made at pre-lodgement and prior to the release of the scoping report (stage 1), Payment 2 is to be made upon lodgement of the planning proposal (stage 2), and payment 3 is to be made following the issue of a positive Gateway Determination from DPE (prior to commencing Stage 4).

A copy of the LEP making process is provided in **Attachment 1**.

## 3. Planning Proposal categories

A pre-lodgement meeting will confirm the Planning Proposal category.

The fee structure varies depending on the complexity of a Planning Proposal. The following Planning Proposal categories are used to determine the appropriate fee:

### i) Minor Planning Proposal

A minor Planning Proposal request consists of an amendment that:

- Corrects an administrative error
- Is a “housekeeping” amendment. A housekeeping amendment is an amendment with the intent of correcting minor errors or inconsistencies, including spelling, mapping, labelling or administrative errors which do not alter planning controls or principal development standards
- Is an expedited amendment in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979
- Relates to the classification or reclassification of land where the Governor’s approval is not required

### ii) Standard Planning Proposal

A standard Planning Proposal request consists of an amendment that:

- Changes the land use zone and/or minimum lot size of an area
- Relates to the addition of a permissible land use and/or any conditional arrangements under Schedule 1 of the LEP
- Alters the principal development standards of the LEP
- Relates to the classification or reclassification of public land through the LEP

A standard Planning Proposal request may require additional resources to assess the greater number of planning considerations presented to Council. A standard Planning Proposal request must clearly demonstrate strategic merit by giving effect to the Dubbo Regional Local Strategic Planning Statement or other local land use strategy.

iii) Complex Planning Proposal

A complex Planning Proposal request consists of an amendment that:

- Changes the land use zone and/or minimum lot size of an area, addition of a permissible land use, or principal development standards of the LEP, which would result in a significant increase in demand for supporting infrastructure and/or infrastructure funding
- Any other amendment/s not categorised as a minor or standard planning proposal

A complex Planning Proposal request may not directly align with the strategic direction of the Dubbo Local Strategic Planning Statement or other local land use strategy, however, this request may offer alternative opportunities for the Local Government Area. This type of request would require Council to prioritise a concurrent review of relevant strategic land use plans.

#### **4. Additional considerations**

The Applicant is liable for all costs associated with preparing a Planning Proposal request, including any technical study that may be required to support this request. It should be noted that lodgement of a Planning Proposal request with Council does not guarantee that the request will result in an amendment to an LEP.

**Attachment 1 – Local Environmental Plan Making Process**

