

Guidelines for planning proposals



Land owners may propose an amendment to the Holroyd Local Environmental Plan (LEP) 2013, provided the proposal meets certain criteria, including consistency with Council and State Government strategic and policy documents.

The following information outlines the key steps in the LEP amendment process and provides general information for landowners seeking to amend the planning controls applying to their land.

Planning controls for land use and development

Holroyd Local Environmental Plan (LEP) 2013 provides the statutory framework for planning in the Holroyd Local Government Area (LGA). The LEP, consisting of a written instrument and associated maps, specifies the zoning and planning provisions that apply to all land in the LGA. For each zone, the LEP specifies the land uses that may be carried out (with or without development consent from Council) and the uses that are prohibited. The LEP also sets development standards, such as building heights, floor space ratios and minimum lot size for subdivision.

How are planning controls changed?

To change the zoning or other planning controls applying to a parcel of land, the LEP applying to that land must be amended. Planning controls for land within the Holroyd LGA can only be changed through a formal amendment to the Holroyd LEP 2013. The first step to amend an LEP is for Council to prepare a planning proposal and submit the proposal to the State Government's planning department for consideration.

What is a planning proposal?

A planning proposal is a document that explains the intended effect of, and justification for, the proposed amendment.

A planning proposal must include the following:

- A statement of objectives and intended outcomes of the proposed instrument.
- An explanation of how the LEP would be amended, i.e. the provisions that would be included in the proposed instrument, for example a change in the zone applying to the land.
- Justification for the objectives, outcomes and provisions of the requested LEP Amendment, and the process intended to implement them. This should provide a case for changing the zones and/or planning controls. The level of justification will reflect the level of impact the LEP amendment will potentially have.
- Maps where relevant, to identify the intent of the planning proposal and the area to which it applies
- Details of the community consultation that will be undertaken
- Project timeline

A planning proposal must be prepared in accordance with [Section 55 of the Environmental Planning and Assessment Act 1979](#) and the State Government's [Guide to Preparing Planning Proposals](#).

What steps are involved in preparing a planning proposal?

1. Discuss the proposal with Council planning officers

As a first step in the process, it is recommended that you make an appointment to discuss the proposal with Council's Strategic Planning section. This will provide an opportunity for staff to explain the process and provide advice specific to the proposal.

2. Prepare a request for a planning proposal

To assist Council in preparing the planning proposal, the proponent should submit a request to prepare a planning proposal, incorporating the required information as specified in the State Government's [Guide to Preparing Planning Proposals](#). The request should be accompanied by detailed supporting information that has been prepared by a person with expertise in the professional/technical areas relevant to the proposed amendment e.g. a qualified planning consultant, traffic engineer, ecologist, etc.

3. Submit request for planning proposal to Council

Once the request to prepare a planning proposal is submitted to Council, a preliminary assessment will be undertaken and if any further information is required this will be requested from the proponent. A detailed assessment will then be undertaken and reported to Council, recommending whether or not Council proceed with preparing a planning proposal.

4. Planning Proposal request reported to Council

A planning proposal request must be formally considered at an Ordinary Meeting of Council. If Council wishes to proceed with a planning proposal, it must resolve to support the proponent's request and prepare a planning proposal which is then forwarded to the Planning Minister for a 'Gateway Determination'.

It should be noted that a Council resolution to prepare a planning proposal does not guarantee that the proposal will proceed.

5. Gateway Determination

The Gateway Determination is a checkpoint for planning proposals to ensure the proposal is justified before further studies are done and resources allocated to the preparation of a plan.

The Gateway Determination will indicate the following:

- Whether the planning proposal is justified on planning grounds.
- Whether the proposal should proceed (with or without variation).
- Whether the proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the proposal).
- Whether any additional studies are required and if necessary the scope of these studies.

- The community consultation required.
- Any consultation required with State or Commonwealth Public Authorities.
- Whether a public hearing by the Panel Assessment Commission or other specified person or body is required.
- The timeframes for the various stages of the procedure to make the draft amendment.
- Whether the Planning Minister will be responsible for making the LEP or whether this responsibility will be delegated to Council.

6. Community Consultation

If the Gateway Determination recommends that the planning proposal has merit and should proceed, the proposal will be publicly exhibited to obtain the views of the community and referred to relevant State or Commonwealth Public Authorities (as specified by the Gateway Determination). The public exhibition period is generally 14 days for low impact proposals or 28 days for other proposals. All submissions received during the public exhibition will be reported to Council. After considering the submissions Council may vary the proposal as necessary.

7. Preparation and gazettal of LEP

Once the planning proposal is finalised the NSW Parliamentary Counsel prepares a Draft LEP (the legal instrument). Following approval by the Minister (or delegate) the plan becomes law and is published on the [NSW legislation website](#).

How much will it cost?

When submitting a planning proposal request to Council, you will need to pay the relevant application fee. There are several fee categories, determined by the size of the site and nature of the proposal. Please refer to Council's current schedule of [Fees & Charges](#) for details.

If the planning proposal does not proceed to or beyond the Gateway Determination, the fees paid cannot be refunded.

Where can I get further information?

- ☒ I have met with Council officers
- ☒ I have read '*A Guide to Preparing Planning Proposals*'
- ☒ I have read the information on the [gateway process](#) on the State Government's website

If you still have further questions, please contact the [State Government's Planning Department](#) or Council's Strategic Planning section on (02) 9840 9840.