

**Policy: PLANNING PROPOSALS**

**SEP-POL-1**

*Keywords: Planning, Proposal, Gateway, LEP*

**Service: Strategic & Environmental Planning**

**Responsible Officer: Strategic Planning Manager**

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**1. Objective**

To outline the requirements for the submission of a Planning Proposal to Yass Valley Council.

**2. Definitions**

**Amending LEP** - means a Local Environmental Plan which is made to amend a Principal LEP.

**Gateway** - is a NSW Department of Planning and Infrastructure process which ensures that a Planning Proposal has strategic merit and is justified prior to further detailed studies being undertaken.

**Gateway Determination** - is a decision made by the Minister for Planning and Infrastructure indicating whether or not a Planning Proposal is able to proceed beyond preliminary assessment.

**Principal LEP** - means the Local Environment Plan which contains local environmental planning provisions for land across the whole of the Yass Valley.

**Planning Proposal** - is a document which outlines the effect of and justification for a proposed amendment to a Principal LEP.

**3. Preparing a Planning Proposal**

The first step in preparing an amending LEP is the development of a draft Planning Proposal. The intended outcomes identified by the Applicant in the draft Planning Proposal must be consistent with the Strategic direction for the Local Government Area and broader Region.

A Planning Proposal must be prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 and the following publications prepared by the NSW Department of Planning and Infrastructure:

- 'A guide to preparing Planning Proposals'; and
- 'A guide to preparing Local Environmental Plans'.

**4. Lodging a Planning Proposal**

A preliminary meeting must be held with Council's Strategic Planning staff prior to the lodgement of any draft Planning Proposal to clarify the planning issues surrounding the proposal and the processes which will be followed in its assessment.

When lodging a draft Planning Proposal, an application form, three (3) hard copies and two (2) electronic copies of the Planning Proposal and supporting information must be submitted to Council together with the required fee.

To enable Council to ascertain whether a draft Planning Proposal should be supported, the draft needs to be accompanied by supporting information which demonstrates that all constraints have been considered and addressed. This may include (but is not limited to):

- Infrastructure servicing availability;
- Groundwater quality and recharge assessment;

- Road and lot layout concept plan, including anticipated yield;
- Flora & Fauna assessment;
- Aboriginal and/or European Heritage Impact assessment;
- Flood Planning assessment;
- Geotechnical assessment for effluent disposal;
- Bushfire assessment;
- Traffic Generation assessment;

If the draft Planning Proposal does not contain a satisfactory level of detail, adequate supporting information or has not been prepared in accordance with the Department's guidelines it will be returned to the applicant.

## 5. What fees apply?

When lodging a draft Planning proposal, the following fees are payable to Council:

| <i><b>Category</b></i> | <i><b>Planning Proposal Type</b></i>                                                                                                                                                                                                                                                                             | <i><b>Fee</b></i>              |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 1                      | Mapping or instrument anomalies, where an error in the Yass Valley Local Environmental Plan can be identified and where the proposed amendment is considered to be consistent with the intent and direction of the Principal LEP and Council.                                                                    | Nil                            |
| 2                      | Small straightforward rezoning applications and site specific amendments to the instrument. These applications have a small number of issues and a limited local impact. Rezoning these sites would create a <u>maximum potential</u> for four (4) additional lots/dwellings/commercial or industrial buildings. | \$10,000<br>(GST<br>exclusive) |
| 3                      | Large complex rezoning applications and site specific amendments to the instrument. These applications will often require consultation with government agencies, as well as wider community consultation.                                                                                                        | \$20,000<br>(GST<br>exclusive) |

**Note:** The payment of fees for a Planning Proposal is to be staged in the following manner:

- \$2,000 upon lodgement of the Planning Proposal (Stage 1); and
- Payment of the residue in two equal instalments - one payment following a resolution to prepare the Draft LEP (Stage 2), and one payment following the commencement of the public exhibition period, when the Minister for Planning and Infrastructure has determined that a Planning Proposal can proceed beyond preliminary assessment under the Gateway process (Stage 3).
- If a public hearing is required, an additional fee of \$2,000 (GST exclusive) may be payable.
- Additional fee's for Advertising and the Public Notification of Planning Proposals will be levied as set in Council's Annual Fee's and Charges.

If the amending LEP is refused by the Department of Planning and Infrastructure at the Gateway Determination, a refund of 80% of the Stage 2 fee is payable.

## 6. Consideration of Planning Proposals

A draft Planning Proposal will only be considered by Yass Valley Council if:

- a) A mapping error or anomaly has been identified; or
- b) An error or anomaly in the text of the Yass Valley Principal LEP has been identified; or
- c) The land the subject of the Planning Proposal has been identified as a 'Future Investigation Area' in the Yass Valley Town and Villages Study and
- d) The land the subject of the Planning Proposal can be connected to a reticulated water supply and sewerage system or incorporate an alternative water supply and effluent

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disposal system, which will have no off site impact on the quality and quantity of surface or ground waters.

If an exceptional, innovative draft Planning Proposal is forwarded to Council, which falls outside the above criteria, it will only be considered if it satisfies:

- i. The 'Threshold Sustainability Criteria' outlined in Appendix 1 in the Sydney Canberra Corridor Regional Strategy, or
- ii. NSW and ACT regional strategies for development adjacent to or across the ACT border.

If a draft Planning Proposal satisfies the above, a report will be prepared by Strategic Planning Staff for the consideration of Council. Council has the following options:

- Resolve to support the draft Planning Proposal;
- Resolve to seek amendments or changes to the draft Planning Proposal;
- Resolve not to support the draft Planning Proposal.

If Council supports a Planning Proposal submitted in accordance with this policy it can then be forwarded to the Minister for Planning and Infrastructure for the next step in the process, being the Gateway Determination.

## Other Relevant Policies/Procedures

Nil

## History

| <i>Minute No</i> | <i>Date of Issue</i>   | <i>Action</i>    | <i>Author</i>    | <i>Checked By</i>               |
|------------------|------------------------|------------------|------------------|---------------------------------|
|                  | <i>19 January 2012</i> | <i>Written</i>   | <i>Liz Makin</i> | <i>EMT</i>                      |
| <i>91</i>        | <i>24 March 2012</i>   | <i>Exhibited</i> |                  | <i>Special Planning Meeting</i> |
| <i>202</i>       | <i>23 May 2012</i>     | <i>Adopted</i>   |                  | <i>Council Meeting</i>          |