

Name of policy:	Planning proposal and development control plan applications		
Policy code:			
Adoption by Council:	8 February 2017	Minute number:	9/17
Last review date:	December 2016		
Review timeframe:	4 years		
Next scheduled review date:	December 2020		
Related legislation:	Environmental Planning & Assessment Act 1979		
Association policies/documents:			
Responsible division:	Planning & Natural Systems		

Policy Objective

This policy has been developed to harmonise and standardise the fees and processing of Applications for Planning Proposals (PPs) and Development Control Plan (DCP) amendments across the former three councils of Great Lakes, Greater Taree and Gloucester which make up MidCoast Council, based on the 2016/17 Fees & Charges of each former area.

Policy Statement

- To provide equity for customers across MidCoast Council in the acceptance and processing of Planning Proposals (PPs) and Development Control Plans (DCPs).
- To outline the process Council will follow in its advice to proponents, assessment and processing of applications covered by this policy.

Coverage of the Policy

This policy applies to all current Planning Proposal and Development Control Plan Applications with Council at the time of adoption of the policy and all future applications lodged on or following adoption, in regard to processing of applications.

All applications lodged prior to adoption of this policy will pay fees applicable at the time they were lodged while all new applications lodged on or after adoption of this policy will be subject to the fees in Appendix 1.

Strategic Plan Link

The Manning Valley Community Plan 2010-2030:

This policy meets all 5 Key Directions:

1. Looking after what we've got
2. Respecting the environment
3. A strong economy
4. A great Lifestyle
5. Getting things done

Great Lakes Community Strategic Plan 2013-2030:

This policy meets all 4 Key Directions:

1. Our environment
2. Strong local economies
3. Vibrant and connected communities
4. Local leadership

Growing Gloucester - Community Strategic Plan 2014-2024:

This policy is consistent with the 5 Key Directions:

1. Maintaining core infrastructure
2. Protecting the environment
3. Creating a strong economy
4. An engaged and supportive community
5. Governance and partnerships

Policy Content

1. *Pre-lodgement Meetings*

Proponents are required to attend a pre-lodgement meeting with Council in order for staff to consider the Strategic Merit of the proposed PP/DCP, to determine the Category of the Application (and hence applicable fees) and the level of assessment and upfront studies which may be required to be submitted with the Application.

If a PP or proposed DCP amendment is not considered to have Strategic Merit the proponent will be advised of this at the pre-lodgement meeting and they will be advised that it will not be a priority for Council to process the Application if it is lodged.

If an Application is lodged without a pre-lodgement meeting having been held with staff from the Strategic Planning Section then the Application will not receive any priority on the Strategic Planning Work Program.

2. *Application Categories*

Each application is separated into a category based upon its' size and level of complexity, which in turn affects the applicable fee.

2.1 Minor – grouped

This category is generally for Applications which are minor amendments to the respective LEP/DCP and do not require additional studies. These are typically for minor map amendments or administrative changes where an applicant does not wish to pursue the change as a stand alone Application. Instead, the proponent is prepared for the changes to be processed as part of a Council initiated group of amendments to the respective LEP/DCP.

2.2 Minor – stand alone

This category is generally for Applications which are minor amendments to the respective LEP/DCP and do not require additional studies. These are typically for minor map amendments or administrative changes where the applicant is prepared to fully fund the separate processing of the Application.

2.3 Category 1 Applications

This category of Applications are generally for proposed developments which are of small to medium size and require additional studies but are of low complexity and require minimal to moderate negotiation and consultation.

Indicative types of development in this category include subdivision of land of up to and including 10ha. However, the location of the land and number or complexity of issues may result in the proposal being considered as a Category 2 PP.

2.4 Category 2 Applications

This category is for Applications which are generally for proposed developments which are of a large size and require a significant number of additional studies, or for developments which are complex and involve a high level of negotiation and public consultation.

3 ***Application Processing***

3.1 Staff and Consultants

Where there is capacity within the Strategic Planning Section (as deemed by the Manager Strategic Planning) then an Application will be included on the Strategic Planning Work Program and processed by staff.

Where there is no capacity within the Strategic Planning Section to process the Application then the proponent can choose to either:

- a) wait until capacity is available; or
- b) withdraw the application.
- c) request that the application be processed by a consultant engaged by Council at the applicant's cost. In this circumstance the applicant will need to pay Council a Stage 1 fee (at lodgement) for Council to undertake the initial assessment and manage the consultant, as well as fund the full cost of the consultant. This option is only available where there are staff resources to manage the consultants.

3.2 Fees

Stage 1 Fees will be paid by the applicant at the time of lodgement of the Application and Stage 2 Fees will be paid by the applicant at the time specified in the Fee Schedule contained in Appendix 1.

Where the proponent has elected for Council to engage consultants to process the PP/DCP Amendment, the consultants will be engaged by Council on a time/cost basis with an initial upper limit fee set by Council. Payment in advance is required from the proponent. This payment can be for the full estimated cost of works, or in \$10,000 instalments. The fees to fund the consultant will be placed in a separate account by Council and used solely for the purpose of processing the Application, with the balance

to always remain in credit and any left over funds returned to the proponent at the conclusion of the project.

The original PP or drafting of a DCP amendment and any supporting studies are to be funded directly by the proponent.

Council may engage independent consultants to review any components of an Application, including studies submitted with the initial proposal. In such cases these reviews will be for a fixed price, with the full cost of Council's consultant to be funded up-front by the proponent.

3.3 Fee Agreements

Where an Application is to involve an independent review by a consultant engaged by Council the proponent must firstly sign a Fee Agreement with Council. This agreement sets out the obligations of the parties, probity and governance matters and the funding of the consultant to undertake this work.

3.4 Acceptable Planning Proposals

The initial (Stage 1) assessment of a PP Application will involve a determination as to whether it is deemed to be an Acceptable Planning Proposal and can proceed to a full assessment by staff. If it is not deemed an Acceptable Planning Proposal then the proponent will be notified in writing of the deficiencies of the Planning Proposal. The decision to undertake additional work to elicit a re-assessment of the PP; or to accept the determination and discontinue the Application, will be at the discretion of the proponent.

Council will not undertake any additional work on an Application that is determined to be unacceptable and no refund of fees is available.

Only when a proponent is notified in writing that Council considers that the Application includes an Acceptable Planning Proposal is the Application considered to have commenced. Hence, the 90 day period for assessment by Council before an applicant can appeal a decision (or lack thereof) of Council on the application to the NSW Department of Planning and Environment commences from the date of the notice from Council of it being an Acceptable Planning Proposal.

A planning proposal that is submitted by a proponent becomes Council's document and Council must therefore be able to justify the proposal on planning grounds as well as to the community, the NSW Department of Planning and Environment and other government agencies. The information submitted with a proposal must contain sufficient, reliable and accurate information to enable Council to make an informed decision on whether the proposal should be supported. In many cases, the initial justification can be by way of a desktop assessment without the submission of detailed studies.

3.5 Outcomes

Lodgement of an application and payment of fees does not guarantee an outcome sought by an applicant. Inclusion of the application on the Strategic Planning Work Program only ensures that the application will be processed by staff, not that a specific outcome will be supported.

As a result of the findings of supporting studies, agency consultation and public exhibition the outcome sought by the Applicant may vary considerably to that ultimately supported by Council. In some cases it may ultimately be decided by Council that the

Application no longer has Strategic Merit or is not in the public interest and that the Application should be discontinued.

3.6 Combining Applications

The Manager Strategic Planning has the ability to combine separate applications into one LEP or DCP amendment to allow applications that may otherwise not immediately proceed due to their size or not having exceptional strategic merit, or at the request of the NSW Department of Planning and Environment.

No reduction of fees will be made if applications are combined.

Definitions

Acceptable Planning Proposal is when a planning proposal that has been prepared by a Qualified Town Planner is lodged with Council and deemed by Council to be consistent with Section 55 of the *Environmental Planning and Assessment Act 1979*, and in accordance with the NSW Department of Planning and Environment's *Planning Proposals: A guide to preparing planning proposals*. This decision is made by the Manager Strategic Planning and will only be reviewed if additional supporting information is supplied to elicit a re-assessment of the PP.

An Acceptable PP will include sufficient information to enable Council to make an informed decision as to whether the proposal should be supported or not. This information may include studies attached to the PP and the findings of these addressed within the PP. Minimum requirements for most PPs would be the need to address the following matters: regional and local strategies, State Environmental Planning Policies, section 117 Directions, ecology (flora/fauna), water quality, flooding, European and Aboriginal cultural heritage, availability of services, Acid Sulfate Soils and contamination.

Planning Proposal (PP) is a document which outlines the intended effect of and justification for a proposed amendment to a Principal Local Environmental Plan. A planning proposal must accompany a Planning Proposal Application and have been prepared by a Qualified Town Planner. The planning proposal must be prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*, and follow the NSW Department of Planning and Environment's *Planning Proposals: A guide to preparing planning proposals*. The planning proposal must be prepared using Council's Planning Proposal Template.

Once a PP is reported to Council and a decision made to progress the Application then the PP becomes Council's PP, not the applicants' nor the original planning consultants'. As such the copyright of all material lodged resides with Council and can be used or reproduced by Council at any time. A consultant's logo and business details are permitted to be included in supporting studies but not on the PP itself.

Planning Proposal Template is a template prepared in Microsoft Word to provide a consistent format for the receipt of Planning Proposals from rezoning applicants.

Qualified Town Planner is a person with a graduate or post-graduate qualification in town planning recognised by the Planning Institute of Australia.

Strategic Merit refers to whether the proposed Planning Proposal is:

- a. for the rezoning of land identified in a local strategy adopted by Council or a regional strategy produced by the NSW Department of Planning and Environment;
- b. for land within an existing urban area which is suitable to transition to another zone to accommodate a current or intended use. This includes amendments to address a

shortage in supply of a certain 'product' to meet demand or a new 'product' for which there is perceived demand; or

- c. for any other change to the respective LEP which is reasonable on planning grounds.

For a proposed DCP amendment Strategic Merit is:

- a. where a DCP is required by clause 6.3 of the respective LEP to enable development of land in an urban release area; or
- b. for any other change to the respective DCP which is reasonable on planning grounds.

The Manager Strategic Planning will determine whether or not the proposed PP or DCP has Strategic Merit.

Written confirmation will be sent to the potential applicant following the pre-lodgement meeting as to whether the PP/DCP is considered to have Strategic Merit.

References and Related Documents

- 2016/17 Adopted Fees and Charges of previous Great Lakes Council, Greater Taree City Council and Gloucester Shire Council
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- NSW Department of Planning and Environment's Planning Proposals: A guide to preparing planning proposals.
- Development Control Plan Application Form
- Fee Agreement
- Planning Proposal Application Form
- Planning Proposal Template

Responsible Officer

Manager Strategic Planning

Attachments

Appendix 1

Appendix 1 – 2016/17 fees

Planning Proposal Applications

Minor – grouped:

Stage 1 – Lodgement \$5,000

Minor – stand alone:

Stage 1 – Lodgement (up to Gateway Determination) \$5,000

Stage 2 – Post Gateway Determination \$3,696

Plus Council’s cost of public notification

Category 1:

Stage 1 – Lodgement (up to Gateway Determination) \$15,000

Stage 2 – Post Gateway Determination \$10,000

Plus the cost of any independent consultants engaged by Council to review any aspect of a planning proposal.

Plus Council’s cost of public notification

Category 2:

Stage 1 – Lodgement \$40,000

Stage 2 – above 200 hours staff time (paid prior to PP gazettal) \$150/hr

Plus the cost of any independent consultants engaged by Council to review any aspect of a planning proposal.

Plus Council’s cost of public notification

Development Control Plan Applications

Minor – grouped:

Stage 1 – Lodgement \$5,000

Plus Council’s cost of public notification

Minor – stand alone:

Stage 1 – Lodgement \$5,000

Stage 2 – Exhibition \$3,696

Plus Council’s cost of public notification

Category 1:

Stage 1 – Lodgement	\$10,000
Stage 2 – Exhibition	\$3,696

Plus the cost of any independent consultants engaged by Council to review any aspect of a DCP.

Plus Council’s cost of public notification

Category 2:

Stage 1 – Lodgement	\$20,000
Stage 2 – above 100 hours staff time (paid prior to DCP adoption)	\$150/hr

Plus the cost of any independent consultants engaged by Council to review any aspect of a DCP.

Plus Council’s cost of public notification

Note 1: All Fees are GST exempt

Note 2: All fees are non-refundable.

Note 3: The fees in Appendix 1 will be indexed annually in accordance with Council’s Fees and Charges.