



# PLANNING PROPOSAL POLICY

Policy 22/2024-2028

## DATE

- Ordinary Meeting of Council 28 July 2020, 14 March 2023 and 13 May 2025

<b>POLICY NO:</b>	<b>22/2024-2028</b>
<b>LEGISLATIVE REQUIREMENTS</b>	<p>Council's Code of Conduct (and the Office of Local Government Model Code of Conduct)</p> <p>Local Government Act 1993</p> <p>Environmental Planning and Assessment Act 1979</p> <p>Environmental Planning and Assessment (Statement of Expectations) Order 2024</p>
<b>RESPONSIBILITY:</b>	Forward Planning
<b>OBJECTIVE:</b>	<ol style="list-style-type: none"> <li>1. To articulate Council's expectations with respect to new planning proposals and to establish a clear, transparent and equitable framework within which planning proposals to address Councillors during the assessment process.</li> <li>2. To address concerns about inappropriate lobbying to provide a transparent opportunity for planning proposal proponents to address Council collectively and in a managed official environment.</li> <li>3. To establish development expectations to all stakeholders in relation to the process, engagement, contribution to infrastructure, development standards and exhibition outcomes.</li> </ol>
<b>REVIEW</b>	Within the first 12 months of each term of Council or as required.

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## 1. Introduction

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This policy is known as *The Hills Shire Council Planning Proposal Policy* ('the policy'). It applies to all Planning Proposal Applications lodged with Council from 13 May 2025 and was adopted by resolution of the Council on 13 May 2025.

The objective of this policy is to articulate Council's expectations with respect to new planning proposals and to establish a clear, transparent and equitable framework within which Council will process and assess planning proposal applications, including opportunities for planning proposal proponents to address Councillors during the assessment process.

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## 2. Terms and Definitions

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**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Council** means The Hills Shire Council.

**Environmental Planning Instrument** has the same meaning as the Act.

**Instrument change** means a change to an Environmental Planning Instrument.

**Minister** means the Minister for Planning and Public Spaces, New South Wales.

**Regulations** mean the *Environmental Planning and Assessment Regulation 2021*.

**Planning Proposal Application** means an application prepared and lodged with Council which seeks to facilitate an Instrument Change in accordance with the NSW Department of Planning, Housing and Infrastructure's '*Local Environmental Plan Making Guideline*'.

**Proponent** means a person who has sought a change to an environmental planning instrument.

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## 3. Key Strategic Considerations and Assessment Criteria

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### a) Strategic Context

All Planning Proposals will be assessed against the strategic framework that is in force at the time of assessment. To demonstrate strategic merit, an application must establish consistency with the following Strategic Planning documents, including but not limited to:

- Greater Sydney Region Plan, 'A Metropolis of Three Cities' ([found here](#));
- Central City District Plan ([found here](#));
- Ministerial Directions ([found here](#));
- Council's Local Strategic Planning Statement, Supporting Strategies ([found here](#));
- North West Rail Link Corridor Strategy and related Structure Plans ([found here](#));
- Hills Corridor Strategy ([found here](#)); and
- Precinct Plans ([found here](#)).

Where a proposal seeks to justify an inconsistency with any of the above Plans and Strategies, it must clearly establish how the proposal will result in a superior planning outcome and community benefit. Planning Proposals should also indicate how they give effect to the outcomes and strategies within Council's Community Strategic Plan.

### b) Timeframes for Processing Planning Proposals

The Environmental Planning and Assessment (Statement of Expectations) Order 2024 stipulates requirements for Councils to comply with when processing planning proposals. If a council does not meet

the Minister's Expectations under this order, the Minister may exercise powers under s9.6(1)(b) of the Act and appoint a planning administrator or a regional panel to exercise Council functions.

The order states:

*"A council should:*

- (a) decide whether to support a proponent-initiated planning proposal and submit it for gateway determination within the "planning proposal" stage benchmark timeframes in the LEP Making Guideline.*
- (b) as the Planning Proposal Authority, publicly exhibit a planning proposal, respond to submissions, and either resolve to use Local Plan Making Authority delegations or request the Department to make the plan within the "public exhibition and assessment" stage benchmark timeframes set out in the LEP Making Guideline.*
- (c) as Local Plan Making Authority, make a LEP which has been delegated to council within the "finalisation" stage benchmark timeframes set out in the LEP Making Guideline."*

The Local Environmental Plan Making Guideline stipulates categories for types of Planning Proposals and benchmark timeframes for the consideration and determination of Planning Proposals. Council is expected to determine whether or not a Planning Proposal Application will proceed to Gateway Determination within the benchmark timeframes included in Figure 1, or the Proponent may request a Rezoning Review. Council's adopted Fees and Charges identify Planning Proposal categories consistent with the Guideline and provide for corresponding fees. The benchmark timeframes in the Guideline are shown below:

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
<b>Stage 1 – Pre-lodgement</b>	30 days	50 days	60 days	20-30 days
<b>Stage 2 – Planning Proposal</b>	80 days	95 days	120 days	40 days
<b>Stage 3 – Gateway determination</b>	25 days	25 days	45 days	45 days
<b>Stage 4 – Post-Gateway</b>	20 days	50 days	70 days	160 days
<b>Stage 5 – Public Exhibition &amp; Assessment</b>	70 days	95 days	115 days	95 days
<b>Stage 6 – Finalisation</b>	25 days	55 days	70 days	80 days
<b>Sub-total (Department target)</b>	140 working days	225 working days	300 working days	380 working days
<b>Total (end to end)</b>	220 days	320 days	420 days	420 days

Note: Department target of 380 working days is measured from Stage 3 – Stage 6 (inclusive).

**Figure 1**  
Local Environmental Plan Making Guideline Benchmark Timeframes for Planning Proposals

To comply with the benchmark timeframes Council officers will promptly progress with the following steps following lodgment of a Planning Proposal Application:

- Proponents will be invited to provide a presentation to the elected Council at the next available Councillor Briefing, in accordance with this Policy;
- Council officers will complete a full technical assessment of the application, as submitted, and report this to the Local Planning Panel for advice; and
- Following the Local Planning Panel, Council officers will promptly report the application to Council, as submitted, for a determination on whether or not to progress to Gateway Determination.

Should a Proponent, at any point, wish to amend the planning proposal (other than to provide further information to support the existing proposal, without any alteration to the LEP controls or development outcomes proposed), the application timeframe will be reset in accordance with Planning Circular 22-003.

Planning Circular 22-003 states that:

*The timeframe for lodgment of a rezoning review is calculated from the day the planning proposal is lodged on the NSW Planning Portal with council. This timeframe resets if a proponent alters a planning proposal (beyond providing further information in response to a council request) and council accepts the alteration in writing.*

In this regard, if a Planning Proposal Application is altered, the timeframe for eligibility to lodge a Rezoning Review is reset to enable the assessment of the altered proposal. Council officers will confirm receipt of the amended planning proposal and provide the Proponent with confirmation of this date from which the application timeframe will be calculated.

The time required to undertake each stage in the LEP making process varies, depending on the nature, scale and complexity of a proposal, the issues that need to be resolved, and the level of community interest. Council will process Planning Proposals in an efficient, transparent, accountable, and outcomes focused manner to set clear expectations for the community.

In this respect, detailed consideration of infrastructure, design or other technical matters cannot be deferred to the post-Gateway stage and there are limited opportunities to negotiate and alter a Planning Proposal Application following formal lodgment.

To identify any key issues with a Planning Proposal upfront, the Scoping Phase of the process (refer to Section 4 below) provides an opportunity for Proponents to present their Planning Proposal to Council officers and receive feedback prior to lodgment.

#### **c) Assessment of Infrastructure Demand**

Proponents must undertake an assessment of the capacity of local, regional and state infrastructure, identify solutions/ opportunities to address any infrastructure shortfalls, and establish a mechanism for fair and reasonable contributions to be made that are proportionate to the demand for additional infrastructure generated by the proposed uplift.

Where planning proposals are seeking uplift beyond current planning controls, Proponents must demonstrate that satisfactory arrangements are in place to address additional demand for local and State infrastructure. This includes (but is not limited to):

- Passive and active open space;
- Community facilities;
- Educational establishments;
- Traffic and transport infrastructure; and
- Drainage and Water Management.

Any offer to enter into a Voluntary Planning Agreement or draft Contributions Plan amendment proposed in conjunction with a planning proposal must be lodged with the planning proposal application in order to be considered with the planning proposal.

The timeframes set out by the Department (Figure 1) require these matters to be considered concurrently as one application package. The assessment of infrastructure demand and the potential solutions or mechanisms provided with the planning proposal will inform the assessment of the proposal in terms of the services and infrastructure that are or will be available to meet the demands arising from the proposal. This is a fundamental consideration in the assessment of whether or not a proposal should proceed to Gateway Determination. If a Proponent intends to make a Voluntary Planning Agreement offer or amend a Contributions Plan in association with a planning proposal, these discussions should occur with Council officers during the 'scoping' phase of the process, prior to lodgment.

#### **d) Lodgement Requirements**

Planning proposal applications must be lodged on the NSW Planning Portal. Once the material is uploaded and submitted on the NSW Planning Portal, please notify Council officers that there is an application awaiting action.

Council will reject a planning proposal request within the initial 14 day adequacy period if the planning proposal request is illegible, unclear, is not accompanied by all the information specified in the Scoping Feedback Letter (or the list below) or if the fees are not paid within this period. Should this occur, the Proponent will need to amend the planning proposal and re-lodge via the Planning Portal.

The following information would likely be required with any Planning Proposal Application;

- a) Application Form, Owners Consent and completed Political Donations forms;
- b) A Planning Proposal Report, which addresses the Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guideline;
- c) A response to the Scoping Feedback Letter which explains how the planning proposal application that has been lodged addresses the matters raised within the Scoping Feedback Letter;
- d) Master Plan, Structure Plan, Concept Development Plans, Urban Design Report and/or Architectural Plans that include a site and concept plan and depict landscaped areas, car parking, setbacks, shadow diagrams, building footprints and building heights (at a minimum);
- e) A draft Development Control Plan;
- f) Traffic, Parking and Accessibility Report;
- g) Environmental constraints reports (stormwater, flooding, biodiversity & bushfire);
- h) Utilities Servicing Report;
- i) Economic and Residential Demand Analysis,
- j) Local Infrastructure Analysis and Mechanism – which considers the impacts of the proposal local infrastructure and recommends a suitable development contributions framework in association with any development uplift on the land, along with the proposed development contributions plan, letter of offer to enter into a draft Voluntary Planning Agreement or draft Voluntary Planning Agreement; and
- k) Briefing Presentation material for Councillor briefing session (refer to Section 7 below for requirements).

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#### **4. Scoping Phase**

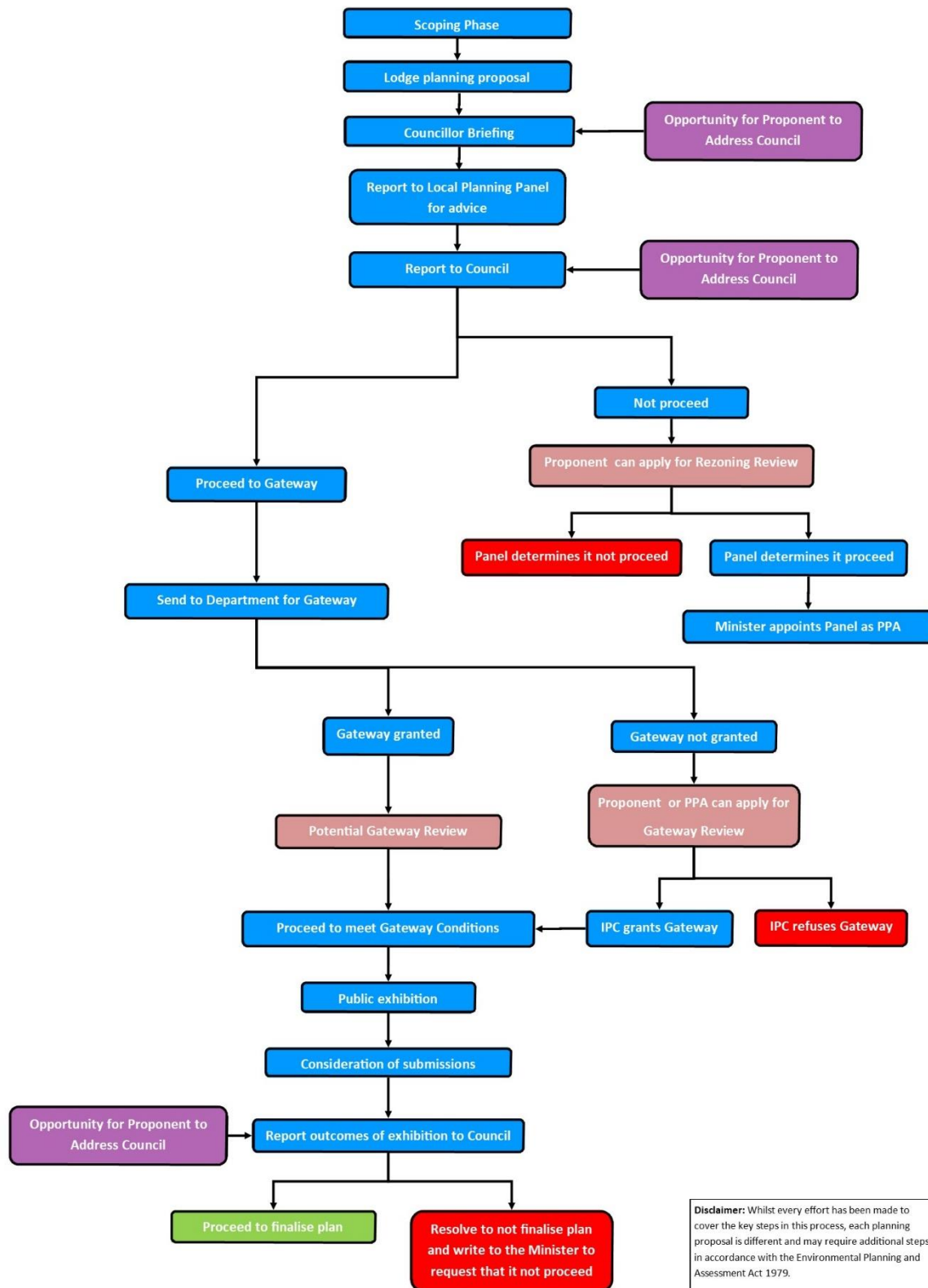
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Prior to lodging a planning proposal application, all Proponents are required to prepare a scoping study in accordance with the Local Environmental Plan Making Guideline and meet with Council's Forward Planning Team to obtain pre-lodgement feedback and submission requirements. The scoping study is to be provided to Council and the fee detailed in the adopted Fees and Charges is to be paid prior to assessment of the pre-lodgement review commencing and the meeting with Council officers being arranged.

Meetings can be arranged by completing the online form on Council's website.

## 5. Planning Proposal Application Process

Figure 2 shows the key steps in the Planning Proposal Application process:



**Figure 2**  
Planning Proposal Application Process



## 6. Local Planning Panel

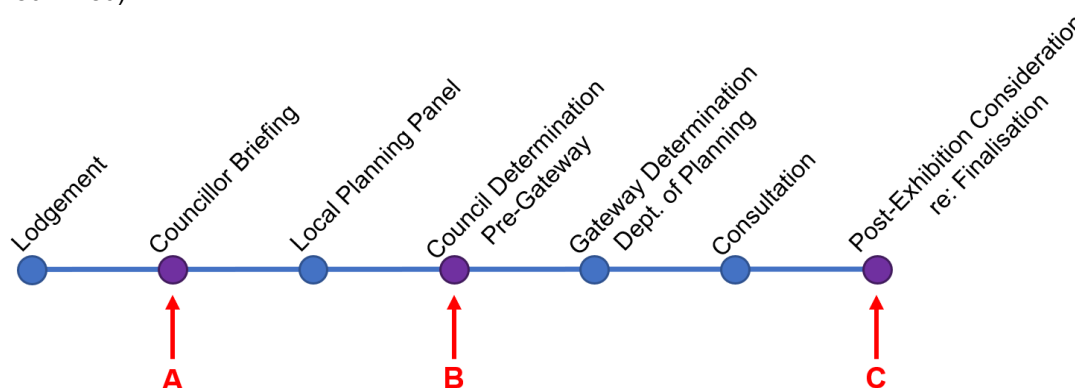
A Planning Proposal is required to be referred to the Panel in accordance with section 2.19 of the Environmental Planning and Assessment Act 1979 and the Local Planning Panels Direction – Planning Proposals (Ministerial Direction). Planning Proposals are referred to The Hills Local Planning Panel for advice only in accordance with Council's Operational Guidelines ([found here](#)).

As the Panel has an advisory role only and no determinations are made, Panel meetings are held "*in camera*" and are not open to the public or proponents. The making of decisions with respect to Planning Proposals by the Elected Council will be held in public in accordance with Council's adopted Code of Meeting Practice.

The Panel's advice on Planning Proposals will be published on Council's website within 2 business days following the electronic determination. In order to meet the timeframes specified by the Local Environmental Plan Making Guideline, Council officers will schedule the Planning Proposal to be reported to the next available Council meeting, where the Panel's advice will be provided to Council when determining whether or not a Planning Proposal should proceed to Gateway Determination.

## 7. Opportunities for Proponents to Address Councillors

Proponents will be provided with opportunities to address Councillors with respect to their Planning Proposal Application at the following stages in the Planning Proposal Application assessment process (identified in red):



**Figure 3**  
Engagement Opportunities throughout Planning Proposal Process

Opportunities to address Councillors will be administered and regulated in accordance with the following requirements and parameters:

### A. Councillor Briefing - Following Lodgment of a Planning Proposal Application

Following the lodgment of a new Planning Proposal Application, Proponents will be invited to provide a short presentation to Councillors at a Councillor Workshop, subject to the following:

- An electronic copy of all presentation material must be provided to Council officers with lodgment of the Planning Proposal Application. The matter will be scheduled for the next available Councillor Briefing. If the material is not provided or the Proponent is unavailable to attend the next available Councillor Briefing, Council officers will provide a technical briefing to Councillors, however the Proponent will not have the opportunity to present;
- Presentation material should comprise a low-resolution copy of the presentation slides that are no greater than 20MB to ensure integration with Council's Business Paper document management system (please note that the high resolution version will still be circulated to Councillors separately for viewing at the Briefing) and a pre-recorded presentation video of yourself or your representatives presenting the proposal, or a video of the presentation with voiceover (please note that the 15-minute time limit for your video will be strictly enforced);

- Proponents will generally be advised of the opportunity to present 3 weeks prior to the scheduled Councillor Workshop, however the agenda for each Briefing may be subject to change;
- Councillor Workshops are generally held on the first Tuesday of each month online via MS Teams or Zoom;
- Presentations will be limited to a maximum of 15 minutes;
- Based on the time available, the number of participants representing the Proponent is to be kept to a minimum with the expectation that no more than four (4) attendees is appropriate, with one (1) nominated speaker;
- Councillors will have the opportunity to ask questions of a Proponent following each presentation, limited to a maximum of 10 minutes.

Councillor Workshops are for information purposes only and are not a forum in which decisions are made or feedback is given. The opportunity to present at a Councillor Briefing occurs prior to the assessment of the application by Council officers or the receipt of advice from the Local Planning Panel. The nature of questions received during the briefing or any subsequent discussion should *not* be taken as an indication of the likely outcome of their application. Decisions on planning matters are made in public at Council meetings following detailed assessment of the proposal and preparation of a report to Council by Council officers.

At the opening of each Councillor Briefing, the General Manager shall read the following statement:

*Councillor Briefings are for information purposes only and are not a forum in which decisions are made. Decisions on planning matters are made in public at Council meetings following detailed assessment of the proposal and preparation of a report to Council by Council officers. Councillors must ensure that no action, statement or communication conveys any suggestion of a pre-determined view on a planning matter or willingness to provide concessions or preferential treatment to individual Proponents. Any such action, statement or communication may result in a Councillor being disqualified from making a decision on that planning matter.*

## **B. Ordinary Council Meeting – Pre-Gateway Determination**

Proponents have the opportunity to address Council during a public Council meeting, prior to the Council making a decision on whether or not a Planning Proposal should be forwarded to the Department of Planning, Housing and Infrastructure for Gateway Determination.

The elected Council will be provided with a report on the Planning Proposal Application (including any associated Development Control Plan amendments, draft Voluntary Planning Agreements or draft Contributions Plans) prepared by Council officers and Proponents will have the opportunity to address Councillors during the meeting in accordance with Council's adopted Code of Meeting Practice.

## **C. Ordinary Council Meeting – Post-Exhibition Consideration of Planning Proposal**

Proponents have the opportunity to address Council during a public Council meeting when Council considers the outcomes of the consultation period, prior to the Council making a decision on whether or not a Planning Proposal should proceed to finalisation.

The elected Council will be provided with a report on the Planning Proposal and outcomes of the consultation period prepared by Council officers and Proponents will have the opportunity to address Councillors during the meeting in accordance with Council's adopted Code of Meeting Practice.

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## **8. Community Participation**

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Consultation with the Community will be undertaken in accordance with requirements under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2000* and Council's adopted [Community Participation Plan](#).

A Planning Proposal will be exhibited concurrently with any associated draft Voluntary Planning Agreement or draft Development Control Plan.

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## **9. Probity and Proper Conduct**

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In accordance with the Statement of Business Ethics, Council will ensure all its business relationships are ethical, fair and consistent. Anyone 'doing business with Council' (including all applicants, political lobbyists, consultants and owners) must act ethically, fairly and honestly in all dealings with the Council. Engagement with Councillors or Council Officers should be undertaken in accordance with the Statement of Business Ethics and this Planning Proposal Policy.

In accordance with the Environmental Planning and Assessment Act 1979, political donations and gifts are to be disclosed when planning proposals are lodged and at any point during the process if any component of the disclosure changes during this period. A disclosure is required to be made by a person who makes a relevant planning application to Council to disclose the following reportable political donations and gifts (if any) made by *any person with a financial interest in the application* within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local Councillor of that council.
- (b) all gifts made to any local Councillor or employee of that council.

If no disclosures need to be made the Political Gifts and Donations Form declaring that there are nil disclosures must be lodged with a Planning Proposal Application. Throughout the planning proposal process, Council reserves the right to request a new or revised Political Gifts and Donations Form.

In accordance with Council's Code of Conduct, Councillors are required to ensure that land use planning decisions are properly made in a fair and transparent manner. Decisions on planning matters are made in the public Council Meeting forum.

The Code of Conduct and the Statement of Business Ethics are available on Council's website. Any concerns relating to Probity or Conduct should be directed to the Council's Public Officer on 9843 0159, the Council's General Manager or any Group Manager by telephone or in writing.

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## **10. Associated Documents**

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Strategic Documents:

- Greater Sydney Region Plan, 'A Metropolis of Three Cities' ([found here](#));
- Central City District Plan ([found here](#));
- Ministerial Directions ([found here](#));
- Council's Local Strategic Planning Statement ([found here](#));
- North West Rail Link Corridor Strategy and related Structure Plans ([found here](#));
- Hills Corridor Strategy ([found here](#)); and
- Precinct Plans ([found here](#)).
- Local Environmental Plan Making Guideline ([found here](#))

Council Documents:

- Political Donations and Disclosures Form ([found here](#));
- Community Participation Plan ([found here](#));
- Fees and Charges ([found here](#));
- Statement of Business Ethics ([found here](#));
- Council's Code of Conduct ([found here](#)); and
- Council's Local Planning Panel Operational Guidelines ([found here](#)).

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## **11. Appendices**

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Appendix 1 – Planning Proposal Application Form and Checklist