
4.11.1 Steps in negotiation of a planning agreement

Directorate	Community, Environment and Planning (CEP)
Responsible Officer	Manager of Planning and Sustainability

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Instructions

The negotiation of a planning agreement will generally involve the following key steps:

1. Prior to the lodgement of the relevant application by the developer, Council and Developer (and any other relevant person) will decide whether to negotiate a planning agreement.
2. The parties will then appoint a person to represent them in the negotiations and also appoint a third person to attend and take minutes of all negotiations.
3. The parties will decide whether to appoint an independent person to facilitate or otherwise participate in the negotiations or aspects of it, and appoint such person.
4. A timetable for negotiations, protocols and work practices governing their negotiations will be agreed between the parties.
5. The key issues for negotiation will be identified by the parties, and the negotiations over these issues will take place.
6. If agreement is reached, Council (and any other relevant party) will prepare the proposed planning agreement including the explanatory statement, and provide a copy of it to the developer.
7. The parties may undertake further negotiation on the specific terms of the proposed planning agreement as necessary.
8. Once agreement is reached on the terms of the proposed planning agreement, the developer may then make the relevant application to Council accompanied either by a copy of the proposed agreement or by an offer to enter into such an agreement with specifics of the agreement set out in detail.
9. Council will publicly exhibit the instrument change or Development Application and planning agreement in accordance with the EP&A Act and Council's Notification Policy.
10. Council may negotiate further changes to the planning agreement having regard to any matters raised following public notification and exhibition.
11. Council may approve the application and set out the conditions for the planning agreement or, if a planning agreement has been executed, set out in the consent the terms of the planning agreement.
12. The planning agreement is entered into when it is signed by all the parties and comes into effect at the time stated in the agreement.

Negotiating a Planning Agreement (Flowchart)

