

Planning proposal FAQ - Should I make a submission

Are you a rural landowner interested in building a secondary dwelling in association with a primary dwelling on your land?

In July 2022, Port Macquarie-Hastings Council endorsed commencement of a planning process to allow secondary dwellings on certain rural zoned land. The process involves preparation, exhibition and the making of a planning proposal which sets out the justification and explanation of provisions for the proposed change to planning rules, and the process is governed by the Environmental Planning and Assessment (EP&A) Act, 1979.

For more information about the LEP making process and how a planning proposal is prepared, see:

[Local planning and zoning - \(nsw.gov.au\)](https://www.nsw.gov.au/local-planning-and-zoning)

Why exhibit a Planning Proposal?

The EP&A Act 1979 requires a planning proposal to be exhibited. The timeframe for public exhibition is set out in a Gateway determination granted by the NSW State Government, and may include whether no public exhibition is required due to the minor nature of the proposal.

What category of planning proposal is Planning Proposal PP-2022-4099?

PP-2022-4099 for secondary dwellings is categorised as a 'Standard' planning proposal and the government has nominated a 20-day exhibition period be held. Port Macquarie-Hastings Council has been designated as the Local Plan Making Authority (LPMA) for the planning proposal.

The exhibition provides an opportunity for those interested to be involved in the process by means of viewing the document and by making a submission.

Who can make a submission?

Any person may lodge a submission supporting, opposing or commenting on a planning proposal.

What matters can I raise?

Any submission must relate to the planning subject to which the draft planning proposal applies. The basis for any submission must be set out clearly, with some justification for the matters that you nominate. The degree to which the submission may impact on the determination of the draft plan will depend on a range of matters including legislative requirements and the planning relevance of the submission. Interested persons should note that a lot of which a secondary dwelling is built will not be able to be subdivided.

What happens if I make a submission?

Your submission will be considered in conjunction with other submissions received on the planning proposal and may be included in a report to Council. The issues raised in submissions may or may not result in amendments to the draft planning proposal. It is important to note that your submission may be made public and could appear in a document available to the general public. Confidentiality cannot be guaranteed as the Freedom of Information Act, Privacy and Government Information (Public Access) Act may provide measures for possible access to certain documents.

Who decides?

Following the exhibition, the planning proposal and any submissions received will be reported to a formal meeting of Port Macquarie-Hastings Council for consideration and determination.

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How is a decision made?

Council considers a range of matters when assessing a planning proposal. These include, but are not limited to:-

- The objectives and requirements of the EP&A Act 1979;
- Any relevant State or Regional Environmental Planning Policies, Circulars or Ministerial Directions;
- The aims and objectives of Port Macquarie-Hastings Local Environmental Plan 2011;
- Any relevant adopted Council Policies/Publications;
- How the planning proposal relates to planning strategies for our local government area; and
- How the proposal will impact on the amenity of the area.

How do I find out what is happening to my submission?

Any person may contact the Council Officer who is responsible for the planning proposal regarding the progress of their submission, or search on the status of the planning proposal on the government Planning Portal:

[Planning Proposals | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/planning-proposals)

Where contact details have been provided, each person who made a submission will be notified of receipt of their submission and again when the draft plan is to be reported to Council for determination. Further, each person who makes a submission, including petitioners, will be advised of the Council decision upon determination of the proposal.