

Planning and Environment

Report No. PE3/2021

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**SUBJECT:** *GUIDELINES FOR PLANNING PROPOSALS REQUESTING A DWELLING ENTITLEMENT*

**RESPONSIBLE OFFICER:** *Strategic Planning Manager – Martin Johnson*

### **SUMMARY**

The purpose of this report is to seek Council endorsement of the Guidelines for planning proposals requesting a dwelling entitlement.

### **RECOMMENDATION**

**That Council endorses the Guidelines for planning proposals requesting a dwelling entitlement.**

### **BACKGROUND**

Clause 4.2A of the *Cessnock Local Environmental Plan 2011* (the LEP) prohibits the erection of a dwelling on land in specified zones unless the land meets certain criteria, including the minimum lot size, or being identified on the dwelling entitlement map.

Council received a request on 23 October 2020 to amend the LEP to include Lot 686 DP 619758, known as 58 Taylors Road, Black Hill, on the dwelling entitlement map; thereby allowing Council to consider a development application for a dwelling on that land.

On 9 December 2020, the planning proposal 18/2020/5 was reported to Council by PE45/2020 recommending that Council not support the request for the planning proposal. Council resolved:

1. That report PE45/2020 be deferred until after point 4 below is undertaken and if adopted, application number 18/2020/5 can be assessed against these new interim guidelines.
2. That Council notes the preferred option for addressing dwelling entitlements is through a holistic approach as part of the upcoming LEP review and commits to undertaking this process as a priority.
3. That Council recognises that prior to the completion of the LEP review there may be individual applications for Gateway determination of dwelling entitlements that are required to be assessed.
4. That the General Manager develop interim guidelines to assess individual applications for Gateway determination of dwelling entitlements while the LEP review is underway and report them to Council for adoption in February 2021.

### **REPORT/PROPOSAL**

In response to the resolution of PE45/2020, draft Guidelines for planning proposals requesting a dwelling entitlement (**Enclosure 1**) have been developed as an interim measure until the comprehensive LEP review is complete. The Guidelines specify the criteria for how staff and Council will determine whether to accept or reject a planning proposal for a dwelling entitlement. The Guidelines have been developed based on the Planning Priorities and

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Principles in the Cessnock Local Strategic Planning Statement 2036 (LSPS) and require applicants to demonstrate how their request for a dwelling entitlement meets certain criteria.

The Guidelines reiterate that Council's preferred option is addressing dwelling entitlements as part of the comprehensive review of the LEP. The guidelines will allow for the consideration and assessment of requests for dwelling entitlements in a consistent and fair manner until such time as the review of the LEP is finalised and adopted by Council.

**OPTIONS**

Nil

**CONSULTATION**

The draft guidelines have been prepared by Council's Strategic Planning Team. The guidelines reference the priorities and principles contained in the Cessnock LSPS. The development of the Cessnock LSPS involved extensive consultation with the community, Council staff, industry groups and State Government agencies.

**STRATEGIC LINKS**

**a. Delivery Program**

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

**b. Other Plans**

The following strategic plans are relevant to the proposal:

- Hunter Regional Plan 2036 (HRP)
- Greater Newcastle Metropolitan Plan 2036 (GNMP)
- Cessnock Local Strategic Planning Statement 2036 (LSPS).

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The draft Guidelines will apply to the assessment of planning proposals requesting a dwelling entitlement. Having endorsed guidelines will provide consistent and transparent short-term criteria for Council to respond to requests for dwelling entitlements. In the longer term, dwelling entitlements will be addressed through the comprehensive LEP review.

**b. Financial Implications**

Fees for any future planning proposals will be applied in accordance with Council's adopted Fees and Charges Schedule.

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**c. Legislative Implications**

Having endorsed guidelines will provide consistent and transparent short-term criteria for Council to respond to requests for dwelling entitlements. In the longer term, dwelling entitlements will be addressed through the comprehensive LEP review.

**d. Risk Implications**

These guidelines will increase transparency in decision making to ensure consistent outcomes.

In addition, there is a risk that ad-hoc requests for dwelling entitlements may not receive Gateway determination if they are inconsistent with the planning principles of the HRP, GNMP or the Cessnock LSPS.

**e. Environmental Implications**

The proposed guidelines will provide transparent and consistent short-term criteria for Council to respond to requests for dwelling entitlements until Council adopts a revised LEP.

**f. Other Implications**

Nil.

**CONCLUSION**

Adopting the guidelines will allow staff and Council to apply a consistent, fair and transparent response to requests for dwelling entitlements while staff work towards completing the Comprehensive LEP Review.

**ENCLOSURES**

- [1](#) Guidelines For Planning Proposals Requesting a Dwelling Entitlement