
Cessnock City Council DRAFT Planning Proposal Policy

Date Adopted: **xx/xx/xxxx** Revision: **2**

POLICY OBJECTIVES

1.1. The objectives of the Policy are to:

- 1.1.1. Ensure planning proposals are processed in a consistent, transparent, timely and efficient manner.
- 1.1.2. Ensure the community and proponents are aware of the factors Council considers when reviewing planning proposals.
- 1.1.3. Ensure planning proposals to amend the *Cessnock Local Environmental Plan 2011* (LEP) are consistent with Local and Regional Planning strategies.

POLICY SCOPE

2.1. This Policy applies to all planning proposals to amend the Cessnock LEP that are submitted to Council. This includes:

- a) Council staff when reviewing planning proposals that have been lodged via the NSW Planning Portal.
- b) Applicants when lodging planning proposals via the NSW Planning Portal.

REQUIREMENTS FOR PLANNING PROPOSALS

3.1. Prior to submitting a planning proposal via the NSW Planning Portal applicants must have a preliminary planning proposal meeting with Council within the three months prior.

3.2. All planning proposals to amend the Cessnock LEP must be submitted via the NSW Planning Portal.

3.3. Planning proposals must be consistent with key strategies and policies prepared by Council and the State Government. These include (but not limited to):

3.3.1. Council documents

- a) Cessnock Local Strategic Planning Statement 2036 (LSPS)
- b) Cessnock Urban Growth Management Plan (UGMP)
- c) Town Centres Strategies / Masterplans

3.3.2. State Government documents:

- a) Hunter Regional Plan 2036
- b) Greater Newcastle Metropolitan Plan 2036
- c) Draft Hunter Expressway Land Use Strategy

- 3.4. Planning Proposals must be consistent with and address the principles in the LSPS.
- 3.5. Planning Proposals for a new residential zone must be within an investigation area identified in the UGMP.
- 3.6. Planning Proposals for investigation areas identified in the UGMP must include a structure plan / master plan for the entire investigation area.
- 3.7. Planning Proposals for residential land must not be submitted until the land supply for the relevant category is at or below the 15-year supply threshold for that lifestyle category as published in Council's annual monitoring report.
- 3.8. Planning proposals must contain all necessary supporting studies to justify the proposal. This will depend on the site constraints and the complexity of the proposal.
- 3.9. Supporting studies must be prepared by appropriately qualified specialists.

PROCESSING PLANNING PROPOSALS

- 4.1. Planning proposals that meet Part 3 of this Policy will be accepted via the NSW Planning Portal for consideration.
- 4.2. Planning proposals that do not meet Part 3 of this Policy will be rejected via the NSW Planning Portal.
 - 4.2.1 *Note:* Where Council has indicated that it does not support a planning proposal applicants can request a pre-gateway review through the Department of Planning, Industry and Environment.
- 4.3. Despite clause 4.2 the Director of Planning and Environment and the Manager Strategic Planning can at their discretion, accept a proposal via the NSW planning portal where is a non-compliance with Part 3.
- 4.4. Further information will be requested via the NSW Planning Portal, regardless of meeting Part 3 of this Policy, if supporting studies do not contain sufficient information or are outdated.
- 4.5. Planning proposals that are accepted in accordance with clause 4.1 will be charged a fee in accordance with Councils Fees and Charges Schedule. A detailed assessment of the planning proposal will not be undertaken until the fee has been paid.

NOTIFICATION AND DETERMINATION

- 5.1. Planning proposals that are accepted for consideration in accordance with clause 4.1 will not be reported to Council for determination. These Planning proposals will be assessed by staff under delegation and if supported, forwarded to DPIE for a Gateway determination.

- 5.2. Despite clause 5.1, the Director Planning and Environment and the Strategic Planning Manager may, at their discretion, determine that a planning proposal should be reported to Council for determination.
- 5.3. Despite clause 5.1, if three or more Councillors formally request that a proposal be reported to Council the planning proposal will be reported to Council for determination.
- 5.4. Councillors will be notified of all planning proposals that have been submitted in the NSW Planning Portal via a Councillor Memo.
- 5.5. If a planning proposal is going to be rejected under clause 4.2, Councillors and the proponents will be notified one week prior to the rejection being finalised, with the reasons for refusal to be included in the notification.
- 5.6. All planning proposals to amend the Cessnock LEP will be reported to Council for final determination post exhibition once all gateway conditions have been met.

RESPONSIBILITIES

6.1. Compliance, monitoring and review

General Manager

- 6.1.1. The General Manager is responsible for the implementation of this policy

Director and Managers:

- 6.1.2. Directors and Managers are responsible for supporting Council staff to apply the policy statements listed in this policy and ensuring compliance with this policy.

Council staff are responsible for:

- 6.1.3. Familiarising themselves with this policy.
- 6.1.4. Assessing planning proposals in accordance with this policy.
- 6.1.5. This policy aligns with relevant legislation, government policy and/or Council's requirements/strategies/values.

6.2. Reporting

- 6.2.1. No additional reporting is required

6.3. Records Management

- 6.3.1. Staff must maintain all records relevant to administering this policy in accordance with Council's Records Management Policy.

POLICY DEFINITIONS

Act	means the <i>Local Government Act 1993</i> (NSW)
Council	means Cessnock City Council

NSW Planning Portal	means the website with the URL of www.planningportal.nsw.gov.au , or any other website, used by the Planning Secretary to provide public access to documents or other information in the NSW planning database.
Planning proposal	Means the enabling document to amend the Cessnock LEP.

POLICY ADMINISTRATION

Business Group	Planning and Environment
Responsible Officer	Manager Strategic Planning
Associated Procedure (if any, reference document(s) number(s))	Nil
Policy Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2021/146461
Relevant Legislation (reference specific sections)	This policy supports Council's compliance with the following legislation: <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Environmental Planning and Assessment Regulations 2000</i> • <i>Cessnock Local Environmental Plan 2011</i>
Relevant desired outcome or objectives as per Council's Delivery Program	5. Civic leadership and effective governance <ul style="list-style-type: none"> • Objective 5.1 Fostering and supporting community leadership • Objective 5.2 Encouraging more community participation in decision making • Objective 5.3 Making Council more responsive to the community
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Records Management Policy (DOC2019/038769)

POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
10. TBA	<ul style="list-style-type: none"> • Review applications in the NSW Planning Portal. • Accept, reject, and request further information for planning proposals in the NSW Planning Portal. 	Director Environment & Planning Manager Strategic Planning Principal Strategic Planner Senior Strategic Planner

POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
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1	13 September 2021	Draft for Council consideration
2	11 November 2021	Draft for exhibition amended for Council resolution

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