

FILE NO: 21/345716

TITLE: PLANNING PROPOSAL POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide a framework for the process and assessment of requests to amend the Port Stephens Local Environmental Plan 2013 (LEP).

2. CONTEXT/BACKGROUND:

- 2.1 Part 3 of the Environmental Planning and Assessment Act 1979 (the Act) enables Council to prepare and make amendments to the LEP. Generally, amendments consist of changes to zoning, but may also include changes to development standards, or other matters in the LEP that regulate the use of land. When a proponent requests Council to amend the LEP, they submit a request for Council to prepare a 'planning proposal'.
- 2.2 The Act enables Council to require the provision of studies or other information in order to assess a request to prepare a planning proposal. This policy sets out the non-statutory process and minimum requirements for planning proposals and is consistent with the Local Environmental Plan Making Guide (NSW Department of Planning, Housing and Infrastructure (DPHI), August 2023).
- 2.3 The use of delegated authority provides an opportunity for effective and timely decision making in relation to planning proposals and enables Council to meet the timeframes set out in the Local Environmental Plan Making Guide. In all circumstances, Council will be informed of the exercise of delegated authority and may request staff delegation be withdrawn and a planning proposal be reported to Council.
- 2.4 In all circumstances, a final amendment to the LEP will be reported to Council for adoption prior to being made.

3. SCOPE:

- 3.1 This policy applies to all requests to prepare a planning proposal and planning proposals.
- 3.2 This policy applies to the administration and exercise of Council's functions under Division 3.4 of Part 3 of the Act.

- 3.3 Note there are non-statutory processes that can occur prior to preparation of a planning proposal to which this policy does not apply:
- If a site is not identified in an adopted Council strategy endorsed by the DPHI, DPHI may require a proponent to request Council and DPHI consider an 'addendum' to the strategy prior to a planning proposal.
 - The Local Environmental Plan Making Guide sets out the process for a preliminary assessment, or 'scoping proposal' to be prepared by a proponent prior to the planning proposal process.

4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

Gateway Determination	A DPHI assessment of strategic and site specific merit and whether the planning proposal should proceed to public exhibition. Following the assessment, a Gateway Determination may be issued to enable the planning proposal to proceed to the next stage of the process.
Lodgement	Lodgement of a request to prepare a planning proposal occurs on the date the relevant fee is paid, or if no fee is charged, on the date the request is submitted in accordance with the Port Stephens Planning Proposal Guide.
Planning proposal	A report prepared in accordance with the DPHI's Local Environmental Plan Making Guideline and the Port Stephens Planning Proposal Guide setting out the justification for the proposed change to the LEP and an explanation of the intended effect (Section 3.33 of the Act).

5. STATEMENT:

- 5.1 This policy aims to ensure planning proposals are processed in a consistent, timely and efficient manner.
- 5.2 A request to prepare a planning proposal must be lodged in accordance with the Port Stephens Planning Proposal Guide. Requests that are not lodged in accordance with the Guide will not be accepted.
- 5.3 Council is notified of all lodged requests to prepare a planning proposal via PS Newsletter to the Mayor/Councillors.

- 5.4 Proponents will be notified following a preliminary assessment against the criteria and requirements set out in the Local Environmental Plan Making Guide and a Strategic Planning Assessment Report will be prepared.
- 5.5 Planning proposals that are consistent with adopted Council policies and strategies (including place plans) will be forwarded to DPHI for a Gateway Determination under delegated authority. One week prior to the request being forwarded, Council will be notified via the PS Newsletter of the intention to exercise the delegation. The Mayor/Councillors can call up the planning proposal at any time in accordance with the Council Related Planning Matters Policy. All other planning proposals will be reported to Council, in accordance with this policy. The Director Community Futures and/or Strategy and Environment Section Manager, through the General Manager, at their discretion, may also report any planning proposals to Council.
- 5.7 The Mayor/Councillors, will receive weekly updates in regards to the status of all planning proposals in the PS Newsletter.
- 5.8 All final amendments to the LEP will be reported to Council for adoption prior to being made.
- 5.9 The community can access all planning proposals on the NSW Planning Portal: <https://www.planningportal.nsw.gov.au/ppr>
- 5.10 Community participation and engagement during the planning proposal process, including during the non-statutory processes that can occur prior to a planning proposal, is carried out in accordance with Council's Community and Engagement Strategy.
- 5.11 Planning proposals for minor matters will be consolidated and progressed as a single planning proposal forwarded to the DPHI under delegated authority periodically. Minor matters likely to be considered appropriate for inclusion are set out in the Port Stephens Planning Proposal Guide and include administrative amendments such as zone boundary adjustments and mapping updates to correct errors.

6. RESPONSIBILITIES:

- 6.1 The Strategy and Environment Section Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Environmental Planning and Assessment Act 1979.
- 7.2 Port Stephens Local Environmental Plan 2013.

Policy

- 7.3 NSW Department of Planning, Housing and Infrastructure Local Environmental Plan Making Guide (August 2023).
- 7.4 Port Stephens Council Related Planning Matters Policy
- 7.5 Port Stephens Planning Proposal Guide.
- 7.6 Port Stephens Communication and Engagement Strategy.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2019-03541	EDRMS record No.	25/343960
Audience	Council, Community Futures Directorate and public		
Process owner	Strategy and Environment Section Manager		
Author	Strategic Planning Coordinator		
Review timeframe	4 years	Next review date	9 December 2029
Adoption date	9 December 2025		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25 February 2020	Strategic Planning Coordinator.	New Policy. First draft.	034
2	24 May 2022	Strategic Planning Coordinator	<p>Reformatted the policy into the new policy template.</p> <p>Updated link to NSW Department of Planning and Environment website.</p> <p>Minor corrections in spelling and grammar.</p> <p>Updated 5.5 by including a reference to place plans.</p> <p>Updated reference to the new NSW Department of Planning and Environment's Local Environmental Plan Making Guideline.</p> <p>Update the name of the Department of Planning and Environment (DPHI) from the previous name Department of Planning,</p>	132

Version	Date	Author	Details	Minute No.
			<p>Infrastructure & Environment (DPIE).</p> <p>Clarified clause 5.5 regarding rezoning requests being reported to Council.</p> <p>Included the requirement in clause 5.5 for consistent rezoning requests to be sent to Councillors one week prior to being sent to DPHI for a Gateway Determination.</p>	
3	9 December 2025	Strategic Planning Coordinator	<p>Rename the policy and made consequential changes throughout to have consistent language with the Port Stephens Community and Engagement Strategy, including deleting and replacing all references to 'Rezoning Request'.</p> <p>Include additional text and amendments to better reflect the statutory planning proposal process.</p> <p>Include additional text to acknowledge the non-statutory processes that can occur prior to the preparation of a planning proposal.</p> <p>Include reference to the process of updating Councillors in regards to the status of all planning proposals in the PS Newsletter.</p> <p>Include a reference to the community engagement processes that relate to the planning proposal process in the Port Stephens Community and Engagement</p>	296

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			<p>Strategy and list that Strategy as a 'related document'.</p> <p>Include a reference to the related matters in the 'Council Related Planning Matters Policy' and list that policy as a 'related document'.</p> <p>Update the name of the Department of Planning, Infrastructure and Housing (DPHI) from the previous name Department of Planning and Environment (DPE) and updated the name of the NSW Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guide.</p> <p>Update the name of the Group Manager Development Services to Director Community Futures.</p> <p>Include definition of 'Gateway Determination'.</p> <p>Minor corrections in punctuation.</p> <p>Numbering was updated throughout the document.</p>	