



# Guidelines for planning proposals requesting a dwelling entitlement

Contact Council's Strategic Planning team on 02 4993 4100 for additional information

The purpose of this document is to outline how Council will consider planning proposals requesting a dwelling entitlement for rural properties that are less than the minimum lot size.

Council's preferred option for addressing dwelling entitlements is through the Comprehensive LEP Review, as such certain exclusions apply in this guideline.

## Excluded land

Dwelling entitlements will not be considered for properties that fall into any of the following categories:

- Land that is zoned:
  - RU4 Primary Production Small Lots; or
  - E2 Environmental Conservation; or
  - E3 Environmental Management.
- Land that is identified as having high biodiversity value on the [Biodiversity Values Map and Threshold Tool](#).
- Land that is identified as an investigation area in the Urban Growth Management Plan.

These categories have been identified for exclusion because Council is currently working on a series of strategic projects that will inform the future direction of this land based on either their environmental or agricultural significance to the region, or the potential suitability of that land for future urban growth.

## Potentially eligible land

Only land within the RU2 Rural Landscape Zone will be considered, subject to the site meeting the following criteria.

1. The proposal for a dwelling entitlement will need to satisfy the relevant objectives of the RU2 Rural Landscape zone.
2. The planning proposal will need to demonstrate that the proposal satisfies each of the Cessnock Local Strategic Plan 2036 (LSPS) Planning Priorities and Principles, listed in Table 1.

**Table 1: Cessnock LSPS 2036 Considerations**

Planning Priority (by theme)		Planning Principles
<b>Livable</b>	Planning Priority 6: Rural residential, large lot residential development and environmental living are considered in limited and appropriate locations.	6. High quality agricultural land is protected and effective buffers are provided. 7. Dwellings located in rural areas and areas of high environmental value are sited and designed to minimise the visual and ecological impacts.
<b>Productivity</b>	Planning Priority 8: Our rural land is protected from incompatible development.	2. Effective buffers are maintained to protect rural lands from further encroachment by non-agricultural development.
<b>Sustainably</b>	Planning Priority 17: Our lands of environmental value are protected and enhanced.	3. Development at the interface of our state forests and national parks has minimal environmental impact. 4. Areas of high environmental value are protected from encroachment by incompatible land-uses. 8. Developments that are likely to result in a Serious and Irreversible Impact (SII) on biodiversity values will not be supported.

Planning Priority (by theme)		Planning Principles
	Planning Priority 18: Our areas of biodiversity and biodiversity corridors are enhanced and protected.	4. The impacts that planning proposals or development applications have on biodiversity corridors are considered early in the planning process.
	Planning Priority 20: Our community adapts to climate change and builds climate resilience.	1. The impact of climate change and natural hazards is considered at all stages in the planning process.
	Planning Priority 21: Developments minimise environmental impacts and respond to site environmental characteristics and natural hazards.	6. The intensification of land-uses on sites with significant natural hazards will generally not be supported. 7. Development will continue to be assessed in accordance with the government's <i>Planning for Bushfire Protection guidelines</i> . 8. Mine subsidence will continue to be considered in the rezoning and development of land.
Unique	Planning Priority 22: Our rural landscape is retained and enhanced.	1. Scenic view corridors of the region are protected and enhanced. 2. The rural character and amenity of the land is preserved and enhanced. 4. Dwellings located in rural areas and areas of high environmental value are sited and designed to minimize the visual impact. 5. Dwelling entitlement provisions reflect the rural amenity.
	Planning Priority 24: Our Aboriginal cultural heritage is protected and celebrated.	1. The heritage significance of Aboriginal places, objects and sites is identified, protected and celebrated.
	Planning Priority 29: Our villages retain their unique qualities that reflect their histories.  Planning Priority 30: Growth of our villages occurs in a way that protects their character and setting in the rural and environmental landscape and responds to risk of bushfire and flooding.	Development on the periphery of existing villages may be supported where: <ul style="list-style-type: none"> <li>• The proposal maintains the rural and/or environmental land separation between villages; and</li> <li>• Environmental constraints such as flooding, bushfire and mine subsidence are appropriate to the proposed development; and</li> <li>• Significant clearing of vegetation is not proposed; and</li> <li>• Features that contribute to the villages character including heritage will not be negatively impacted;</li> </ul>

5. Council may require studies to support any requests for planning proposals.
6. A pre-lodgment meeting will be required prior to Council accepting any planning proposals for dwelling entitlements.

#### How the dwelling entitlement will be achieved.

Any dwelling entitlement will require an amendment to the *Cessnock Local Environmental Plan 2011*. Any proposal that is supported will require an update to the Dwelling Entitlement Map.

#### Fees and Charges

Planning proposals will be charged in accordance with Council's fees and charges. Council staff will determine which fee category is applicable.