



FACT SHEET – REZONING AND LEP AMENDMENT PROCESSES

What is a rezoning / LEP amendment request?

The Lachlan Local Environmental Plan 2013 (the LEP) provides the legal framework for planning within the Lachlan Shire Council. It is based on the 'model LEP template' which aims to ensure that a consistent statutory planning framework exists across the whole of NSW.

Rezoning land within the Shire requires an amendment to the LEP. If you are considering requesting a rezoning, it is important to acknowledge that the LEP is a legal (legislated) document and therefore any proposed change is subject to very stringent regulations and requirements. These 'rules' are set down in Division 3.4, Sections 3.31 to 3.36, of the *Environmental Planning and Assessment Act 1979* and corresponding *Regulation 2000*.

Can I rezone my land?

Yes, but only in certain circumstances. Rezoning is usually only supported when the proponent can demonstrate one or more of the following:

- An error or anomaly in the LEP;
- The land could not reasonably be developed or used for a permitted use under the existing zoning; or
- The rezoning would improve the amenity of the area and provide considerable community/public benefit.

The amendment also needs to be consistent with the *Central West and Orana Regional Plan 2036*.

Discuss your rezoning proposal with Council

You should talk to Council very early in the process. Council staff may also recommend a meeting to determine the information required to proceed to the next stage. It is important to recognise that rezoning of land is not a 'rubber stamp' process. It requires a high standard of information and can be very costly. For these reasons, assistance should be sought at the start of the investigation process from a suitably qualified and experienced town planning practitioner.

What details should an LEP amendment request address?

Information required for an LEP amendment request may vary depending on the site characteristics and the nature of the proposal. Documentation should be succinct and prepared by someone with experience and knowledge of the technical requirements, such as a town planning consultant. Your LEP amendment request should include:

- The property description [Lot, Section (if applicable), DP and street address];
- The reasons why an amendment to the LEP is being requested; and,
- If your request is to facilitate a particular development, an indicative development concept illustrating the nature and scale of the development envisaged for the land.





Further information on this topic is available in the NSW Department of Planning & Environment publication: *A guide to preparing planning proposals* (October 2012).

Important note: *no specific studies are required at this stage, although it is useful to identify possible issues that will need to be addressed and provide some initial information, such as for flood prone land and land contamination.*

Lodgement of an LEP amendment request

A formal LEP amendment request should only be submitted after discussing the request with Council's Environment & Planning staff. The request should address all relevant matters contained within the NSW Department of Planning & Environment publication: *A guide to preparing planning proposals* (October 2012).

Upon receipt of the LEP amendment request, planning staff will conduct a preliminary check of the application. If it is satisfactory, Council will issue a fee quotation for the Phase 1 fee. If the documentation is deemed to be acceptable, two hard copies of your concept documentation and an electronic copy will be required to be submitted to Council supported by the fee (as detailed in your quotation).

LEP amendment process:

Phase 1

Phase 1 involves an initial assessment of the proposal by Council's Planning Team. The proposal will then be considered by Council staff, including a number of senior technical staff representing a range of Council's operational divisions.

A report is then prepared for the elected Council representatives either seeking authority to proceed with the preparation of a Planning Proposal*, or, recommending that the LEP amendment not proceed.

***Note:** 'Planning Proposal' is the term used in the *Environmental Planning and Assessment Act 1979* for a document that explains and justifies a proposed LEP amendment.

If Council supports the preparation of a Planning Proposal, the proposal is then forwarded to the NSW Department of Planning & Environment. The Department undertakes their own review before seeking a "Gateway determination" from the Minister or his/her delegate.

The Gateway determination will:

- Indicate whether the planning proposal should proceed;
- Detail requirements surrounding necessary studies or further information; and
- Provide requirements for consultation with the community and government authorities.





Phase 2

If the gateway determination is favorable, Council will request the applicant to pay the Phase 2 fixed fee (based on an estimate of costs) and enter into a cost agreement to cover the cost of any additional documentation preparation, as well as any staff time spent processing the LEP amendment. Phase 2 generally includes the following:

1. Preparation of supporting studies,
2. Review of submissions and preparation of further reports;
3. Notification of relevant authorities
4. If Council resolves to submit the Planning Proposal to the Minister to make the Plan, staff prepare the required documentation
5. Exhibition for public comment
6. If the Minister makes the Plan, staff arrange public notices and updating of Council records.

What fees are applicable?

Fee quotations for Phase 1 and Phase 2 will be prepared by Council based on the information available. Payment must be made prior to the commencement of each stage. 'Do and charge' costs for any additional work undertaken outside the originally quoted fee estimate can range from approximately \$15,000-\$100,000. **Fees are paid in stages and are non-refundable.**

How long does the process take?

The LEP amendment aims to change Council's long-term land use plan. It follows a statutory process involving the Minister for Planning & Environment and state agencies and will be subject to community comment and feedback. It is a lengthy process that generally takes between 6 to 18+ months. Unfortunately, there is no guarantee of a favorable outcome.

Need further information?

Please contact our friendly Environment & Planning Department on 6895 1950, during normal office hours, if further information is required.

