



# Rezoning and Planning Proposals Amending the Local Environmental Plan Fact Sheet

## What is a Local Environmental Plan (LEP)?

LEPs provide the statutory framework that guides development and land use decisions. They do this through zoning (which identifies permitted and prohibited land uses) and development standards (for example, maximum building height, maximum floor space ratio and minimum lot size), which provide a framework for the way land can be developed and used. Amendments to LEPs to change the zoning or development standards are generally undertaken through the preparation and assessment of planning proposals. A planning proposal is the document that sets out the justification and supporting information to allow an LEP to be made. Division 3.4 of the Environmental Planning and Assessment Act prescribes the LEP making process.

## How does the planning proposal process work?

An application to amend the LEP is made to Council and follows the following process:

- a) **Scoping** – Prior to lodgement, a Proponent undertakes a scoping study and meets with Council officers.
- b) **Lodgement** – The planning proposal is lodged on the NSW Planning Portal and the appropriate fee is paid.
- c) **Assessment** – Council officers undertake an assessment of the proposal.
- d) **Local Planning Panel** – Council officers submit a report to Local Planning Panel for advice.
- e) **Council Decision** – Council officers prepare a report to Council on whether to submit for Gateway Determination.
- f) **Gateway Determination:** The Minister (or delegate) determines whether the planning proposal is to proceed.
- g) **Community Consultation:** The proposal is publicly exhibited (generally for a 28 day period).
- h) **Post Exhibition** Council considers public submissions and if necessary, the proposal may be amended.
- i) **Legal Drafting:** Parliamentary Counsel then prepares a draft local environmental plan (LEP legal instrument).
- j) **Decision:** With the Minister's (or delegate's) approval the plan becomes law and is published on the [NSW legislation website](#).

The [Planning Proposal Policy](#) provides a clear, transparent and equitable framework within which Proponents can address Councillors with respect to their Planning Proposal during the assessment process.

## How long does a planning proposal take?

Under the Department of Planning and Environment's Local Environmental Plan Making Guideline, the planning proposal benchmark timeframes are between 220 and 420 days. This includes phases of the process that are outside of Council's control (for example, when the proposal is awaiting a Gateway Determination). From the lodgement of the planning proposal, Council officers will progress with the Assessment, Local Planning Panel and Council Decision phases of the process as soon as possible to ensure that the benchmark timeframes are achieved.

## What information is needed to amend the LEP?

The following supporting studies would likely be required with any planning proposal application;

- a) Application Form, Owners Consent and completed Political Donations forms;
- b) A Planning Proposal Report, which addresses the Department of Planning and Environment's Local Environmental Plan Making Guideline;
- c) Master Plan, Structure Plan, Concept Development Plans, Urban Design Report and/or Architectural Plans that include a site and concept plan and depict landscaped areas, car parking, setbacks, shadow diagrams, building footprints and building heights (at a minimum);
- d) A draft Development Control Plan;
- e) Traffic, Parking and Accessibility Report;
- f) Environmental constraints reports (stormwater, flooding, biodiversity & bushfire);
- g) Utilities Servicing Report;
- h) Economic and Residential Demand Analysis;
- i) Local Infrastructure Analysis and Mechanism – which considers the impacts of the proposal local infrastructure and recommends a suitable development contributions framework in association with any development uplift on the land, along with the proposed development contributions plan or draft Voluntary Planning Agreement;
- j) Workshop presentation material for Councillor briefing session (refer to the Planning Proposal Policy); and
- k) Any other material specified within correspondence provided by Council during the Scoping phase.



All applications to amend the LEP must have regard to Council's [Statement of Business Ethics](#) and disclosure of [Political Donations or Gifts](#). Further information about the gateway process and the Local Environmental Plan Making Guideline is available from the [Department of Planning and Environment](#). Confirmation of the required studies will be provided in the written response to Proponents following the scoping meeting.

### What are the fees?

Proponents are required to submit a fee at the time of lodging an LEP amendment application. For the 2022/2023 Financial Year, the fees are:

<b>Pre-Lodgement and Scoping</b>	<b>\$3,500.00</b>
Lodgement of scoping proposal to Council, meeting with Council officers and provision of written advice to a Proponent identifying issues and planning proposal submission requirements, prior to lodgement of an application.	
<b>Basic</b>	<b>\$29,665.00</b>
Administrative, housekeeping and minor local matters such as listing a local heritage item, supported by a study endorsed by the Department's Environment, Energy and Science Group, reclassifying land where the Governor of NSW's approval is not required, attaining consistency with an endorsed local strategy, such as a local housing strategy (where the proposed changes do not otherwise meet the definition of either a 'Standard' or 'Complex' proposal), or attaining consistency with Section 3.22 (fast-tracked changes of environmental planning instruments of the EP&A Act).	
<b>Standard</b>	<b>\$74,155.00</b>
Applications which are consistent with the District Plan, Region Plan and Council's Local Strategic Planning Statement, are not captured by the 'Complex' proposal category, and seek to change the planning controls applicable to land, such as the land-use zone, alter the principal development standards of the LEP (including, but not limited to, floor space ratio, building height or minimum lot size), add a permissible land use or uses and/or amend any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP, or classify or reclassify public land through the LEP.	
<b>Complex</b>	<b>\$177,850.00</b>
Applications that seek to change the planning controls applicable to land, such as the land use zone, principal development standards, classification or permissible land uses and/or conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP, which also meet any one or a combination of the following criteria:	
<ul style="list-style-type: none"><li>- requires substantial strategic merit assessment, including where the potential for inconsistency with the strategic framework has been identified,</li><li>- will likely increase demand for infrastructure beyond that planned and catered for under the applicable contributions framework and requires an amendment to or preparation of a contributions plan or voluntary planning agreement;</li><li>- responds to a change in circumstances, such as the investment in new infrastructure or changing demographic trends,</li><li>- is not captured by either the standard or basic planning proposal categories.</li></ul>	

### Refund terms:

- No refund of the Planning Proposal Pre-Lodgement and Scoping fee will be issued.
- 50% refund if withdrawn prior to Council report for gateway and no Rezoning Review is lodged.
- 25% refund if Council resolves not to proceed to Gateway and no Rezoning Review is lodged.
- Refunds will only be issued after 42 days following the withdrawal of the planning proposal or resolution of Council not to proceed.
- No refund will be issued once public exhibition or public agency consultation has commenced following the issue of a Gateway Determination.