

Rezoning/LEP amendment request

1. What is a rezoning / LEP amendment request?

Wentworth Local Environmental Plan (WLEP) 2011 provides the framework for land use and development in Wentworth Shire. It details land use zones and other planning controls, such as minimum lot sizes.

A rezoning or LEP amendment request is a process to amend the zones and / or planning controls in WLEP.

2. Can I rezone my land

Rezoning is usually supported when it has strategic and site specific merit or there is an error or anomaly in WLEP 2011.

3. When might Council encourage rezoning?

Land identified within a local strategic plan and in Council's [Local Strategic Planning Statement](#) has priority.

4. How is the LEP amended?

The process to amend the WLEP is set out in Sections 3.31 to 3.36 of the [Environmental Planning and Assessment Act 1979](#) (EP&A Act).

The NSW Government's '[Local Environmental Plan Making Guideline](#)' describes the complete LEP making process, including each stage (see reverse), who is involved and their roles and responsibilities.

5. How long does it take to amend the LEP?

It is a lengthy process that takes at least 12 to 18+ months depending on the complexity of the proposal.

6. How much does an LEP amendment cost?

It is a costly process that comes with uncertainty. There is no guarantee of Council or State government supporting a rezoning. Council charges upfront fees at lodgement of the planning proposal as listed within Council's [Annual Fees and Charges](#). Work will not continue until the relevant fee is paid.

7. Can I appeal a decision not to support my planning proposal?

Yes, in some circumstances, you can pay the required fee and request an independent planning panel evaluate the planning proposal and recommend whether it should proceed.

A review can be requested if Council:

- notifies the proponent in writing that it does not support the proposal
- does not show support for the proposal within the required timeframe of the planning proposal being lodged on the NSW Planning Portal
- does not submit the planning proposal for Gateway determination within 28 calendar days after it has indicated support.

Council or a proponent may also request a review of a Gateway determination within 42 days of the determination.

Further information on the LEP amendment process, including independent reviews, is available on the Department's website: www.planning.nsw.gov.au

ENQUIRIES

For advice about an LEP amendment, you may:

- call Council's Health & Planning Department on (03) 5027 5027
- email or write to Council addressing your correspondence to Health & Planning Department at council@wentworth.nsw.gov.au or PO Box 81, Wentworth NSW 2648
- make an appointment by calling (03) 5027 5027 to meet one of Council's Health & Planning staff at Council's Main Administration Office during business hours at 61 Darling Street, Wentworth NSW 2648

This information sheet is a general guide outlining the LEP amendment process. Not every scenario and issue are addressed. Early discussion with Council staff is strongly recommended.

HOW IS THE LEP AMENDED?

Step 1: Discuss the LEP amendment request with Council's Integrated Planning team

Council recommend you engage a person with relevant experience and expertise, such as a qualified town planning consultant, to help you prepare the required information and studies to lodge a rezoning prelodgement application.

Step 2: Rezoning pre-lodgement application

A rezoning pre-lodgement application will confirm if a proposal has strategic merit and identify the studies necessary to support a planning proposal to amend the LEP.

Studies may include biodiversity, transport, bushfire, flooding and contamination, among others.

A scoping proposal is required as part of the rezoning pre-lodgement application.

The scoping proposal must include:

- the property description (Lot, DP, and street address)
- identify key issues/matters to be addressed in the planning proposal
- brief justification as to why the proposal has strategic merit
- identify supporting studies necessary to show site specific merit (e.g. biodiversity, transport, bushfire, flooding, contamination etc)
- identify agencies and authorities that may need to be consulted
- for requests to facilitate a particular development outcome, provide an indicative development concept illustrating the nature and scale of development.

Step 3: Phase 1 Planning proposal assessment

After completing the pre-lodgement steps and preparing the necessary studies, a planning proposal can be submitted on the NSW Planning Portal. The planning proposal must address all the requirements set out by Council in the pre-lodgement written advice and the [LEP Making Guideline](#).

A planning proposal lodged on the NSW Planning Portal must be complete, coherent and justified. Council may reject incomplete or inadequate planning proposals.

The planning proposal is assessed and reported to the elected Council with a recommendation to either continue or not continue the process.

Planning proposals supported by the elected Council are submitted to the Department of Planning, Housing and Infrastructure to determine if the planning proposal should proceed.

A "Gateway determination" is issued detailing:

- whether the planning proposal should continue
- further information needed to address issues
- any further consultation with agencies and authorities
- requirements for public exhibition.

Step 4: Phase 2 Post-Gateway determination to finalisation

After the Gateway determination conditions are completed, public exhibition of the planning proposal can occur. Changes may be made to the planning proposal to address issues raised during public exhibition. The final planning proposal is reported to the elected Council with a recommendation to either continue or not continue with the LEP amendment.

LEP amendments supported by Council will be finalised.