

## 1. What is a rezoning / LEP amendment request?

Lake Macquarie Local Environmental Plan (LMLEP) 2014 provides the framework for land use and development in Lake Macquarie. It details land use zones and other planning controls, such as building heights and minimum lot sizes.

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

## 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 LMLEP 2014.

All amendments must be consistent with the strategic planning framework including the *Hunter Regional Plan*, *Greater Newcastle Metropolitan Plan* and Council's [Local Strategic Planning Statement](#).

## 3. When might Council encourage rezoning?

Land identified as a Priority Growth and Change Area in Council's [Local Strategic Planning Statement](#) has priority.

Lake Macquarie also has land zoned RU6 Transition. LEP amendment requests for these sites are prioritised to resolve the RU6 zoning. **An RU6 Transition zone does not guarantee a site has development potential.** RU6 zoned land with high conservation value or other constraints may only be suitable for a zone that supports conservation.

## 4. How is the LEP amended?

The process to amend the LMLEP 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, who is involved and their roles and responsibilities.

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

We may 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 pre-lodgement 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.

## 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 commencement of each phase. Work will not continue until the relevant fee is paid.

Planning proposal type <sup>1</sup>	Pre-lodgement	Phase 1	Phase 2
Basic	\$15,525	\$31,050	\$20,700
Standard	\$15,525	\$41,400	\$36,225
Complex	\$15,525	\$82,800	\$62,100

<sup>1</sup> The planning proposal type (basic, standard, complex) of the LEP amendment is determined during the pre-lodgement phase based on advice from the Department of Planning, Housing and Infrastructure.

**Fees are not negotiable and are non-refundable.**

## 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](http://www.planning.nsw.gov.au)

## 8. Enquiries

For advice about an LEP amendment you may:

- call Council’s Integrated Planning team on (02) 4921 0333
- email or write to Council addressing your correspondence to Integrated Planning at [council@lakemac.nsw.gov.au](mailto:council@lakemac.nsw.gov.au) or Box 1906, Hunter Region Mail Centre, 2310
- make an appointment by calling (02) 4921 0333 to meet one of Council’s Integrated Planning staff at Council’s Customer Service Centre during business hours at 126-138 Main Road, Speers Point, NSW 2284.

This fact 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.**