**INFORMATION SHEET**

**REZONING PROPOSALS**

<table>
<thead>
<tr>
<th>What is a zone?</th>
<th>A zone is a type of classification outlined in a Local Environmental Plan (LEP) that describes what development is permitted or prohibited on land.</th>
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</thead>
<tbody>
<tr>
<td>What is a rezoning?</td>
<td>Dungog Local Environmental Plan (LEP) 2005 provides the statutory framework for planning throughout the Council area. This LEP identifies land use zones and planning provisions. A ‘rezoning’ is a statutory process to amend an LEP. The process itself is time consuming and requires the support of Council, the community and State Government.</td>
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<td>Can I rezone my land?</td>
<td>Yes, however, rezoning proposals are only encouraged when the proponent can demonstrate one or more of the following:</td>
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<tr>
<td>• An anomaly or gazettal errors; or</td>
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<tr>
<td>• Where land cannot be reasonably developed or used under the existing zoning; and</td>
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<tr>
<td>• Development of land in proposed zone would improve the amenity of the area and provide considerable community/public benefit.</td>
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<tr>
<td>Discuss your proposal with Council staff</td>
<td>Council has the right to reject rezoning proposals if it considers one or more of the above conditions cannot be satisfied or does not meet internal strategic priorities.</td>
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<tr>
<td>Are there particular areas where Council encourage rezoning?</td>
<td>Council will not consider rezoning properties for Rural Lifestyle or Rural Enterprise purpose unless they are</td>
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<td>Lodging a rezoning proposal</td>
<td>Rezoning in 9(a) Investigation Zones must also satisfy the requirements of any L.A.P.</td>
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<td>What details should be addressed in the Strategic Planning Report?</td>
<td>What are the fees?</td>
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<td>A fee is charged for all rezoning proposals. This fee will vary depending upon the nature of the rezoning proposal and time required to process it. The fee structure is as follows:-</td>
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<tr>
<td>• Preliminary consultation – no fee;</td>
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<tr>
<td>• Spot rezoning/LEP Text Amendment/Vacant Holding - $5,000;</td>
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<tr>
<td>• Rezoning</td>
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<tr>
<td>- <strong>In house</strong> - Min $5000 plus full cost recovery (FCR) for excess hours</td>
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<tr>
<td>- <strong>Externally Contracted</strong> - FCR</td>
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<tr>
<td>• Rezoning involving Subdivision</td>
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<tr>
<td>- <strong>In house</strong> $3000 plus $1000 per lot created.</td>
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<tr>
<td>- <strong>Externally Contracted</strong> – FCR Subdivision in Investigation Areas – 50% rezoning fee payable upon lodgment of application non-refundable. Balance payable after Council resolution to proceed but before advertising commences.</td>
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<tr>
<td>• Masterplan Preparation by Council – FCR</td>
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<tr>
<td>• DCP Preparation - $5,000;</td>
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<tr>
<td>• Masterplan Assessment (when prepared by the developer) - $2,500;</td>
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<tr>
<td>• DCP Assessment (when prepared by the developer) - $2,500;</td>
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</tbody>
</table>

*July 2005*
Lodging your Proposal

Your Proposal should include as a minimum:-

- A statement outlining the existing and proposed zoning and the detailed reasons for the proposed rezoning taking place;
- The property description (Lot, DP and street address);
- A written description and plan(s) of the site and its surrounds. As a minimum it is to include:-
  - A written account of the sites basic land use history;
  - A plan of the site illustrating the location of important built and natural features;
  - Any special statutory provisions currently applying to the site;
  - A plan illustrating the zoning and uses of surrounding lands.
- Survey or certificate of title;
- Strategic Planning Report (justification and impact of your proposal);
- An indicative development concept illustrating the nature and scale of development envisaged for the land.

Five hard copies of your proposal documentation and one electronic copy are required.

What details should be addressed in the Strategic Planning Report?

To enable Council to assess and consider your proposal, you must ensure that sufficient information is provided.

The Strategic Planning Report may vary depending on the specifics of the site and proposal. It should be concise and prepared by someone with experience and expertise in this field such as a qualified planning consultant.

It should contain:-

- A statement addressing consistency with the LEP, the Rural Strategy, Local Area Plans and Master Plan requirements;
- Analysis of the current planning controls applying to the land;
- Analysis of matters raised in the Hunter Regional Environmental Plan, 1984, relevant State Environmental Planning Policies and Section 117(2) Directions;
- Analysis of information regarding social, economic and environmental aspects of the site and surroundings;
- Justification for the proposal;
- Analysis of all likely impacts that may affect the land and surrounding properties.

In addition, Council may require the applicant to commission a suitably qualified person to undertake additional studies such as:-

- An archaeological survey (mandatory for most rezonings involving rural land)
- A geotechnical analysis
- A traffic impact statement
- A flora and fauna study
- A flood and drainage assessment
- Bushfire

What happens next?

If Council accepts your rezoning proposal, it will be assessed and reported for Council’s consideration. Should Council resolve to support the proposal, it will be processed in accordance with the requirements set out in the Environmental Planning and Assessment Act, 1979. It needs to be noted that some rezoning proposals may require preparation of a Local Environmental Study (LES).

As part of the statutory process, it is necessary to place the draft LES and associated documents on public exhibition for a minimum of 28 days. This gives community an opportunity to comment on the proposal. Council will then consider any submissions received in respect to the draft LEP and decide whether to refer the draft LEP to the Minister for Infrastructure and Planning for making of the Plan.

Enquiries

For advice regarding the possibility of a rezoning proposal you may:

- Visit Council during business hours between 8.45 am and 4.30 pm, Monday to Friday at the Council’s Administrative Building.198 Dowling Street, DUNGOG;
- Make an appointment to meet with the Rezoning Panel with Council’s Planning Department on (02) 4992 1224;
- Write to Council addressing your correspondence to: The General Manager. PO Box 95 DUNGOG NSW 2420

LEP Process

It should be understood that the rezoning process is a lengthy exercise, which can take anywhere from 6 to 18 months (in some cases longer). Furthermore, there is no guarantee of Council or State Government support a rezoning proposal. Applicants have no right of appeal.

Disclaimer

This fact sheet provides a guide only to the major issues concerning rezoning proposals. You must be aware that not every scenario and issue is addressed; therefore, discussion with relevant Council staff member should be arranged.
Council must follow strict statutory requirements outlined in the Environmental Planning and Assessment Act, 1979 and Regulations when undertaking a rezoning of land. Basically, to enable land to be rezoned, Council must prepare a draft Local Environmental Plan.

The process undertaken to zone a site can be summarised as:

1. **Rezoning Application received**
2. **Considered by Rezoning Panel**
3. **Government Department referrals & Internal Council referrals**
4. **REPORT TO COUNCIL**
   - **Support** (Prepare draft LEP)
   - **Not support** (no further action)
5. **Advise Department of Infrastructure, Planning and Natural Resources & seek certificate to put the draft LEP on public exhibition**
6. **Prepare a Development Control Plan (if required)**
7. **Public exhibition of draft LEP & DCP (4 weeks)**
   - **No Submissions received**
   - **Submissions received & assessed**
     - **REPORT TO COUNCIL**
       - **Support**
       - **Not support** (no further action)
8. **Report to Department of Infrastructure, Planning and Natural Resources then to Minister or GAZETTAL**

The entire rezoning process is both lengthy and complicated. Gazettal of a MINOR Local Environmental Plan takes from 6 to 12 months. More complicated MAJOR plans may take even longer.

In order to ensure the timely processing of your rezoning proposal, it is recommended that accurate and completed information be provided with your rezoning application.

**IT IS RECOMMENDED**
that the applicant discuss the feasibility of the proposal and the supporting studies likely to be required with Council.
CONSULTATION - Council encourages preliminary consultation with Council Officers and relevant Government Authorities and Agencies for early identification of issues and to assist in the preparation of planning reports.

IMPORTANT NOTE

Rezoning requests or enquiries that are inconsistent with Council's adopted long term planning strategy(s), will not be considered and will be returned without assessment.

JUSTIFICATION - Full description of the proposal, including its Justification considering environmental, economic and social aspects for amending the Dungog Local Environmental Plan.

This should include a proposed development control plan (if appropriate) together with the identification of any impacts and means to minimise such impacts. Socio-economic considerations could include the demand for the proposed land uses, availability of existing infrastructure, services and facilities; economic impact on existing development and provision of employment; heritage assessment; strategic and local considerations such as pedestrian and vehicle circulation, open space, recreation or landscape strategy; and the existing and future character of the area.

SUPPORTING INFORMATION - Details of the owner/applicant, property description, adjacent land use and zoning, proposed and existing zoning. This should include (where appropriate) a full evaluation of the development constraints and opportunities and shall include, but not limited to, consideration of the following:

- Slope analysis/topography including a contour survey map;
- Identification of building envelopes;
- Bushfire Assessment
- Geotechnical assessment (soil capability/suitability);
- Identification of potential for contamination and, if necessary, further analysis;
- Flora & Fauna analysis, including the identification, location and significance thereof and whether any rare and/or endangered species exist on the subject land;
- Drainage/flood liability etc;
- Location of existing developments, roads (traffic and road safety assessment) and access arrangements,
- Any on site improvements, easements and the extent of existing services; and
- Surrounding locality and the land's relationship thereto.

SITE - Full description of the physical characteristics of the site, including a full evaluation of the land constraints and any mitigative measures in relation to the proposal.

This may include impact of vegetation, soil erosion, visual impact, increased traffic generation, servicing considerations, impact upon ecosystems, bushfire
etc together with addressing total catchments management and water sensitive urban design principles.

☐ STATUTORY CONSIDERATIONS - Relevant environmental planning instruments and other planning policies and strategies.

Analysis of existing relevant planning controls, including local instruments, State Environmental Planning Policies, Regional Environmental Plans, Dungog Local Environmental Plan, together with addressing the relevant directions issued under the Section 117 of the Environmental Planning and Assessment Act and Circulars issued by the Department of Infrastructure, Planning and Natural Resources.

☐ COUNCIL CODES AND POLICIES - Address any relevant Council codes and policies that apply to the rezoning and that would apply to any future development as a consequence of the rezoning.

This should include consideration of Council's Rural Strategy, any relevant Local Area Plan, any relevant Development Control Plans, Section 94 Contributions etc and any policy that would apply to any future development as a consequence of the rezoning.

☐ FEES AND CHARGES - Payment of the adopted fees at the time of lodgement of the rezoning request.

☐ SUPPORTING DOCUMENTATION - Sufficient copies of all planning reports submitted as part of the rezoning request. A minimum four (4) copies of each report will be required for minor rezoning. For major rezoning proposals, five (5) copies including one (1) unbound set and an electronic version on CD in Microsoft Word are to be submitted to Council. Any maps and drawings provided are to be compatible with Dungog Council's Geographical Information System. (Map Info).

IMPORTANT NOTE

Council may request additional information should the application be found to be lacking in detail, or to address any additional matter of concern that arises out of detailed investigations.

This is a GUIDE ONLY outlining general information required to support the preparation of a draft local environmental plan. The type and detail of information submitted should be appropriate to the scale and significance of the rezoning that is sought.