

FILE NO: 21/345716

TITLE: REZONING REQUEST POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

1.1 The purpose of this Policy is to provide a framework for the process and assessment of requests to amend the Port Stephens Local Environmental Plan 2013 (LEP 2013).

2. CONTEXT/BACKGROUND:

2.1 Part 3 of the Environmental Planning and Assessment Act 1979 (the Act) enables Council to prepare and make amendments to the LEP 2013. Generally, amendments consist of changes to zoning, but may also include changes to development standards, or other matters in the LEP 2013 that regulate the use of land.

2.2 When Council is initially requested to amend the LEP 2013 (a Rezoning Request), the Act enables Council to require the provision of studies or other information in order to assess the request. This Policy sets out the process and minimum requirements for Rezoning Requests.

2.3 Before the LEP 2013 can be amended, a Planning Proposal is required to be prepared, setting out the justification for the proposed change and an explanation of the intended effect (Planning Proposal). The NSW Department of Planning and Environment (DPE) requires Planning Proposals to be prepared in accordance with their published guideline (Local Environmental Plan Making Guideline). This Policy is consistent with DPE requirements.

2.4 The use of delegated authority provides an opportunity for effective and timely decision making in relation to Rezoning Requests, however, it is appropriate that Council is informed of the exercise of delegated authority. In all circumstances, Council may request staff delegation be withdrawn and a Rezoning Request be reported to Council.

2.5 In all circumstances, a final amendment to the LEP 2013 will be reported to Council for adoption prior to being made.

3. SCOPE:

3.1 This Policy applies to all Rezoning Requests.

3.2 This Policy applies to the administration and exercise of Council's functions under Division 3.4 of Part 3 of the Act.

4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

Lodgment	Lodgement of a Rezoning Request occurs on the date the relevant fee is paid, or if no fee is charged, on the date the Rezoning Request is submitted in accordance with the Port Stephens Rezoning Request Guide.
Planning Proposal	A report prepared in accordance with the DPE's Local Environmental Plan Making Guideline and the Port Stephens Rezoning Request Guide setting out the justification for the proposed change to the LEP 2013 and an explanation of the intended effect.
Rezoning Request	A formal request for Council to amend the LEP 2013, received from a third party (eg landowner or consultant) and prepared in accordance with the Port Stephens Rezoning Request Guide.

5. STATEMENT:

- 5.1 This Policy aims to ensure Rezoning Requests are processed in a consistent, timely and efficient manner.
- 5.2 A Rezoning Request must be lodged in accordance with the Port Stephens Rezoning Request Guide. Requests that are not lodged in accordance with the Guide will not be accepted for lodgement.
- 5.3 Council is notified of all lodged Rezoning Requests via PS Newsletter to the Mayor/Councillors.
- 5.4 Proponents will be notified following a preliminary assessment of the Planning Proposal against the criteria and requirements set out in the DPE's Local Environmental Plan Making Guideline and a Strategic Planning Assessment Report will be prepared.
- 5.5 Rezoning Requests that are consistent with adopted Council policies and strategies (including place plans) will be forwarded to the DPE for a Gateway Determination under delegated authority. One week prior to the request being forwarded, the proposal will be sent to Councillors for review and a final opportunity to call up if required. All other Rezoning Requests in accordance with clause 5.2 of this Policy, will be reported to Council. The Group Manager

Development Services and/or Strategy and Environment Section Manager, at their discretion, may also report any Rezoning Requests to Council.

- 5.6 Council will be notified of all Rezoning Requests prior to being forwarded to DPE under delegated authority via PS Newsletter to the Mayor/Councillors.
- 5.7 All final amendments to the LEP 2013 will be reported to Council for adoption prior to being made.
- 5.8 The community can access all Rezoning Requests via a link on Council's website to the NSW Planning Portal <https://www.planningportal.nsw.gov.au/ppr>
- 5.9 Rezoning Requests for minor matters will be consolidated and progressed as a single Planning Proposal forwarded to the DPE under delegated authority periodically. Minor matters likely to be considered appropriate for inclusion are set out in the Port Stephens Rezoning Request Guide and include administrative amendments such as zone boundary adjustments and mapping updates to correct errors.

6. RESPONSIBILITIES:

- 6.1 The Strategy and Environment Section is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the Policy.

7. RELATED DOCUMENTS:

- 7.1 Environmental Planning and Assessment Act 1979.
- 7.2 Port Stephens Local Environmental Plan 2013.
- 7.3 NSW Department of Planning, and Environment's Local Environmental Plan Making Guideline.
- 7.4 Port Stephens Rezoning Request Guide.

CONTROLLED DOCUMENT INFORMATION:

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Audience	Council, Development Services Group and public		
Process owner	Strategy and Environment Section Manager		
Author	Strategic Planning Coordinator		
Review timeframe	3 years	Next review date	24 May 2025
Adoption date	25 February 2020		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25 February 2020	Strategic Planning Coordinator.	New Policy. First draft.	034
2	24 May 2022	Strategic Planning Coordinator	<p>Reformatted the policy into the new policy template.</p> <p>Updated link to NSW Department of Planning and Environment website.</p> <p>Minor corrections in spelling and grammar.</p> <p>Updated 5.5 by including a reference to place plans.</p> <p>Updated reference to the new NSW Department of Planning and Environment's Local Environmental Plan Making Guideline.</p> <p>Update the name of the Department of Planning and Environment (DPE) from the previous name Department</p>	132

Version	Date	Author	Details	Minute No.
			<p>of Planning, Infrastructure & Environment (DPIE).</p> <p>Clarified clause 5.5 regarding rezoning requests being reported to Council.</p> <p>Included the requirement in clause 5.5 for consistent rezoning requests to be sent to Councillors one week prior to being sent to DPE for a Gateway Determination.</p>	