

Name of policy:	Rezoning Application		
Adoption by Council:	24 July 2024	Minute number:	299/2024
Last review date:	July 2024		
Review timeframe:	4 years		
Next scheduled review date:	July 2028		
Related legislation:	<i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2021</i>		
Associated policies/documents:	Rezoning Application Guideline (Stage 1 and 2)		
Responsible division:	Liveable Communities		

Policy objective

To provide a clear framework for the processing of Planning Proposals in accordance with Council's Urban Release Areas Report, the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021*, and the Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guideline.

Policy statement

Council has a responsibility to process Planning Proposals in a timely and efficient manner to ensure land supply is in keeping with demand. Council will:

- process Planning Proposals identified in Council's Urban Release Areas Report, in accordance with timeframes identified in the report;
- work with proponents to ensure Planning Proposals that have Strategic and Site-specific Merit are of a high standard.

Policy coverage

This policy applies to anyone who lodges a Planning Proposal including private proponents, Council and public authorities.

Strategic Plan link

Community Outcome 2: An Integrated and considered approach to managing our natural and built environments.

<i>2.5 We balance the needs of our natural and built environment.</i>	<i>2.5.1 Practice integrated land use planning that balances the environmental, social and economic needs of present and future generations and our existing natural, heritage and cultural assets.</i>
<i>2.6 We have a diverse range of housing options.</i>	<i>2.6.1 Plan and advocate for a range of housing options to meet the diverse needs of our community.</i>

Policy content

A local environmental plan is a legal document that guides development and sets out how land can be used through zoning and development standards.

Changes to local environmental plans are generally undertaken by way of a Planning Proposal. A Planning Proposal is a document that includes justification and supporting information for the change to zoning or development standards under the local environmental plan.

The *Environmental Planning and Assessment Act 1979* sets out the legislative requirements for Planning Proposals, while the Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guideline outlines the practical steps in the process.

Like many NSW coastal locations, the MidCoast is experiencing pressure to supply land for development. In order to address this issue, Council has developed and adopted the Urban Release Areas Report.

The Urban Release Areas Report determines whether land is considered suitable for urban development, and if so, outlines timeframes when this land can be rezoned to provide additional land supply to meet demand in our region.

Land in the Urban Release Areas Report has been identified through a rigorous process, including a thorough and contemporary assessment of land identified in previous strategies and regional plans.

Priority will be given to processing Planning Proposals for land identified in Council's Urban Release Areas Report which have established Strategic Merit. Planning Proposals will be processed in accordance with timeframes identified in the MidCoast Urban Release Areas Report.

A Planning Proposal must include all properties within the identified Urban Release Area as shown in Council's Urban Release Areas Report.

Details regarding Council's process for the management of Planning Proposals is provided in Council's Rezoning Application Guideline (Stage 1 and 2).

Council will endeavour to assess and process proponent-initiated Planning Proposals in accordance with the framework and benchmark timeframes set out in the Local Environmental Plan Making Guidelines.

Definitions

Local Environmental Plan Making Guideline

A document prepared by the Department of Planning, Housing and Infrastructure that provides a detailed explanation of the steps of the local environmental plan making process to assist and guide councils, communities, NSW Government agencies and proponents when preparing Planning Proposals.

MidCoast Urban Release Areas Report

A document prepared and adopted by Council to assist in the logical and efficient release of land for rezoning in the MidCoast.

Planning Proposal

A Planning Proposal is a document (including supporting information) that explains the intended effect of a proposed local environmental plan or proposed amendments to a local environmental plan. It describes the intended outcomes, identifies and assesses the potential impacts of the changes to the local environmental plan may have and provides justification for making the local environmental plan.

Proponent

A person or organisation who initiates a Planning Proposal and submits it to Council. Where a Planning Proposal is submitted to Council for consideration the proponent will most likely be a landowner, developer or consultant.

Site-specific Merit

A proposal's demonstrated environmental, social and economic impact on the site and surrounds, and the ability of the proposal to be accommodated within the capacity of the current and/or future infrastructure and services. When a local environmental plan is made or amended through a Planning Proposal, it must demonstrate Site-specific Merit by having regard to the criteria in the Local Environmental Plan Making Guidelines.

Strategic Merit

A proposal's demonstrated alignment with the NSW strategic planning framework. This generally refers to a Planning Proposal's consistency with the Hunter Regional Plan 2041, Local Strategic Planning Statement, adopted Council documents (e.g. Urban Release Areas Report) or need to address a change in circumstances that has not been recognised by the existing planning framework.

When a local environmental plan is made or amended through a Planning Proposal, it must demonstrate Site-specific Merit by having regard to the criteria in the Local Environmental Plan Making Guidelines.

Urban Release Area

An area within Council's MidCoast Urban Release Areas Report nominated for future rezoning.

References and related documents

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- Hunter Regional Plan 2041 (Department of Planning, Housing and Infrastructure)
- Local Environmental Plan Making Guideline (Department of Planning, Housing and Infrastructure)
- MidCoast Local Strategic Planning Statement 2020 (MidCoast Council)
- MidCoast Urban Release Areas Report 2021 (MidCoast Council)
- Rezoning Application Guideline (Stage 1 and 2) (MidCoast Council)

Responsible officer (position)

Manager Land Use Planning

Attachments

Nil