



Holroyd City
Built Around People

Rezoning Applications – Information for Applicants

Holroyd Local Environmental Plan 1991 (HLEP 1991) zones most land within the City of Holroyd and establishes the range of uses that are permissible or prohibited within each zone. Where a use is prohibited within a particular zone, Council may consider a rezoning of the land to a zone that makes the use permissible.

Part of Council's charter under the *Local Government Act 1993* is "to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with the principles of ecological sustainable development", and "to have regard to the long term cumulative effects of its decisions".

As such, Council does not generally support 'spot rezonings'. However, where these are sought, a rezoning application is to be submitted for Council's assessment, together with the relevant assessment fee of \$4,777.05 (plus advertising costs) for minor rezonings or \$6,767.00, plus an hourly fee as determined and at the discretion of the Director of Environmental & Planning Services on an "at cost" to Council basis and advertising costs for major rezonings (2007/2008 financial year costs). The rezoning application is to include, but not limited to, the following supporting information, where relevant:

- A report from a suitably qualified Town Planner (preferably a member of the Planning Institute of Australia) providing a planning justification for the rezoning;
- Where the proposal is likely to have significant traffic impacts, a report from a suitably qualified Traffic Engineer assessing the impacts of the proposal on the existing traffic conditions, and recommending necessary mitigating measures;
- an indicative development concept illustrating the nature and scale of development envisaged for the site;
- where the land contains trees covered by Council's Tree Management Order, an Arborist's Report from a suitably qualified person assessing the condition of the trees and providing recommendations on their retention/removal;
- a Species Impact Statement (SIS) where the site contains species or communities under the *Threatened Species Conservation Act, 1995*;
- where, in the opinion of Council, development made permissible by the rezoning is likely to generate, or be subjected to, significant noise impacts, an Acoustic Report from a suitably qualified Environmental Engineer;
- where the proposal is likely to have social consequences, a Social Impact Assessment (or Statement depending upon the nature and scale of proposed development) prepared by a suitably qualified person;

- an economic/retail impact assessment where a rezoning to or from a business zone is sought;
- Contamination Report where the site may be subject to contamination due to previous uses on-site or neighbouring the site;
- Geotechnical Report where the land is subject to slip or land subsidence;
- Heritage Impact Assessment if the land accommodates, or is in close proximity to land that accommodates, a Heritage Item, an archaeological site, or a conservation area;
- For substantial rezonings, a Local Environmental Study may be required in accordance with Section 57 and 74(2)(b) of the *Environmental Planning and Assessment Act, 1979*.

Note: These are general guidelines only and Council reserves the right to request additional studies/information where the attributes of the site/nature of the rezoning render it necessary.

Proponents seeking a rezoning are urged to engage the services of a Town Planner/Project Manager from the outset to coordinate the project. It is also strongly suggested that proponents consult with Council Officers prior to committing financially to the project so that preliminary feedback can be given and issues discussed.

Rezoning Procedure

Following receipt of a rezoning application and **all** necessary supporting information, the application is assessed by Council Officers and other relevant authorities. A report on the matter is then prepared for consideration by Council. Should Council resolve not to

approve the rezoning, fees **are not** refunded. **Please note** that the *Environmental Planning and Assessment Act, 1979* **does not** grant appeal rights to the Land and Environment Court to review Council's determination of the rezoning application.

In the event that Council resolves to support the rezoning, a draft Local Environmental Plan is prepared to rezone the subject land; government authorities and other relevant bodies are consulted; and the draft Local Environmental Plan is placed on exhibition for public comment. Following the exhibition period, any submissions received are analysed and a report detailing the submissions' contents is prepared for Council's consideration. Council may resolve not to proceed with the making of a Local Environmental Plan, may amend the draft Local Environmental Plan or may resolve to proceed with the rezoning unchanged. If Council decides to proceed, the Local Environmental Plan is presented to the Minister for Planning for his/her endorsement. If approved by the Minister, the draft Local Environmental Plan comes into effect once it appears in the NSW Government Gazette.

Note: The legislative procedures of the *Environmental Planning and Assessment Act* in relation to the preparation of a draft Local Environmental Plan are slightly more complicated than presented above. **Proponents should be aware that the rezoning/Local Environmental Plan process can take in the order of six (6) months.**

Should you have any further enquiries, please contact Council's Strategic Planning Section on 9840 9840 between the hours of 8.00am and 4.30pm Monday to Friday.

Strategic Planning - September 2007