



PLANNING SYSTEM

Local planning

Circular	PS 06–015
Issued	15 June 2006
Related	PS 06–005

Spot rezoning

This circular states the Department of Planning’s current position on spot rezoning.

Introduction

Approximately half of the section 54 notifications received by the Department over the past three months have been for spot rezonings. These proposed spot rezonings have been considered by the Department, including the LEP Review Panel, on the basis of the pro forma for spot rezonings submitted by councils. The evaluation criteria set out in the pro forma make it clear that there are circumstances in which spot rezonings can be justified, and may in fact be necessary.

The LEP Pro-forma Evaluation Criteria for council submissions were included in Planning Circular PS 06–005 issued 16 February 2006.

Criteria to be addressed when considering a spot rezoning

When considering whether to resolve to prepare a draft LEP which would constitute a spot rezoning, councils should address the questions outlined in the pro forma:

- Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?
- Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (section 117) directions?
- Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?
- Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?
- Will the LEP be compatible/complementary with surrounding land uses?

- Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?
- Will the LEP deal with a deferred matter in an existing LEP?
- Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Having considered these questions, a council may decide either to proceed with the proposed draft plan as a spot rezoning and to notify the Department, or to deal with the proposal as part of a broader plan. For example, council may decide to plan for the site in conjunction with other similar sites or uses, or by changing the permissible uses in a zone. In the case of reclassification of council land, a council may decide that reclassifying several sites together is the proper approach to enable the strategic direction for council’s land management to be understood and scrutinised.

Reducing the overall number of amending LEPs

The Department does have an objective to reduce the number of spot rezonings. There are two main reasons for encouraging this practice. Firstly, the aim is to encourage a planning approach which is fair and transparent, deals with all like cases consistently, and provides for planning decisions with a clear strategic basis. Secondly, reducing the number of amending LEPs in the planning process reduces the administrative load for councils, the Department and the Parliamentary Counsel. The Department encourages councils to prepare only one amendment, or a limited number of amendments, to their existing instruments per year, incorporating the minor proposals for changes in development controls.

Spot rezoning proposals are considered on merit

The objective of reducing the number of draft plans in the system does not mean, however, that spot rezonings will not be considered by the Department. Councils which are satisfied that a spot rezoning needs to be advanced in that form can justify the proposal for consideration by the Department. Justification should take account of the public interest and explain the implications of not proceeding at that time.

The Department will continue to assess spot rezoning proposals on a merit basis.

Further information

For more information, please contact the relevant Department of Planning local planning team.

Regional NSW

Barwon	02 6764 6831
Central Coast	02 4323 7000
Central West/Far West	02 6884 2560
Hunter	02 4904 2700
Illawarra/South Coast	02 4224 9450
Murray/Murrumbidgee	02 6297 6477
North Coast	02 6640 2160

Sydney East

City/East	02 8374 5915
Inner North/Inner West	02 8374 5913

Sydney North West

North/North East	02 8374 5926
North West	02 8374 5925

Sydney South West

South West	02 9895 7633
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General enquiries

Information Centre	02 9228 6333
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Note: This and other Department of Planning circulars are published on the web at www.planning.nsw.gov.au/planningsystem/practicenotes.asp.

Authorised by:

Sam Haddad
Director General

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