

NSW Government and Council planning and development processes for rezoning and subdivision - May 2026.

Broadly speaking, the following processes are applicable for rezoning and subdivision.

- o Developer meets with Council, the Department of Planning, Housing, and Infrastructure (NSW Planning) and Transport for NSW (TfNSW).
- o Developer prepares Formal Rezoning Application and if applicable, a Voluntary Planning Agreement (VPA).
- o Application lodged by developer to Council.
- o Assessment by Council staff and recommendation to Council.
- o Should Council endorse the proposal, the proposal is referred to NSW Planning for Gateway Determination.
- o The Gateway Determination involves the following considerations:
 - should the matter proceed with or without variation;
 - should the matter be resubmitted;
 - the minimum time for public exhibition (usually 28 days);
 - any required consultation with State or Commonwealth public authorities;
 - whether a public hearing is to be held into the matter by the Independent Planning Commission (IPC) or another body;
 - the times within which the proposed instrument are to be completed; and
 - if Council is authorised to make the proposed instrument and any conditions.
- o Should the Gateway determination be that the matter should proceed and that Council is authorised to make the proposed instrument, the matter will return to Council to undertake public exhibition. Any VPA will also be subject to public exhibition. After public exhibition, Council staff will review submissions and make recommendations to Council. Council will decide on the proposal and any VPA. If agreed, Council will make an instrument for the re-zoning.
- o Should the Gateway determination be that the matter should proceed and that either the IPC or another authority is authorised to make the proposed instrument, the IPC or the other authority will engage in public consultation, review submissions and make any instrument for rezoning.
- o After any rezoning, the developer will be required to submit a development application for the subdivision. This development application will be subject to further public consultation, with Council required to review any submissions before a decision. Subdivision will occur after the approval of a development application.