



**Customer Service Centres**

Level 2, 33 Moore Street, Liverpool NSW 2170  
 Locked Bag 7064, Liverpool NSW 1871  
 DX 5030, Liverpool NSW Phone: 1300 36 2170 NRS: 133 677  
 Website: www.liverpool.nsw.gov.au E-mail: lcc@liverpool.nsw.gov.au

Property No. **708-6001**  
**3920**  
**167126**

Rezoning Application No. **R2-1/2013**

Office Use Only
<b>3920</b>
<b>167126</b>
<b>R2-1/2013</b>

**REZONING APPLICATION OR PROPOSAL TO AMEND  
 LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 AND/OR  
 DEVELOPMENT CONTROL PLAN 2008**

ENTERED

1. What is the address of the land that will be affected by the rezoning/amendment?					
House No <b>1975-1985</b>	Shop/Unit No	Lot <b>Lot 50, Lot 1</b>	(Section)(If known)	Deposited Plan (DP) or Strata Plan (SP) (If known) <b>DP1082416, DP661177</b>	Office Use Only <input checked="" type="checkbox"/>
Street <b>Camden Valley Way,</b>			Suburb <b>Prestons</b>		
2. Zoning information					
What is the current zoning of the property? <b>B6 - Enterprise Corridor</b>					
Do you want to change the land use zone on the LEP map? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Do you want to change the planning controls? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
3. Indicate if and how the zoning map should be changed to permit your proposal					
<b>B2 - Local Centre</b>					
<input checked="" type="checkbox"/>					
4. Describe the way in which you intend to use and/or develop the property					
<b>Retail premises</b>					
Attached Documentation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
5. Indicate if and how the existing planning controls should be changed to permit your proposal					
<b>From B6 - Enterprise Corridor to B2 - Local Centre</b>					
Attached Documentation <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
6. Agreement of Owner/s - This section must be fully completed and signed by all owner/s					
Company: <b>-</b>					
Mr/Mrs/Ms Surname(s)		First Name(s)			
<b>CUSUMANO</b>		<b>VICTOR EMANUEL</b>			
<b>CACUMANO</b>		<b>ALFIA ANN</b>			
Address		Postcode			
<b>45 CHURCH RD BENHAY COURT</b>		<b>2565</b>			
Phone Business:		Mobile:		Home:	
		<b>0401 628866</b>		<b>96186187</b>	
Email		Fax:		Date:	
				<b>14-1-2013</b>	
Signature of owner(s):					
<input checked="" type="checkbox"/>					
7. Applicant - details of person applying for approval					
Company: <b>EMPIRICA DEVELOPMENTS PTY LTD.</b>					
Mr/Mrs/Ms Surname(s)		First Name(s)			
<b>O'CONNOR</b>		<b>MICHAEL</b>			
Address		Postcode			
<b>70 Level 4, 39 Martin Place Sydney</b>		<b>70 2000</b>			
Phone Business:		Mobile:		Home:	
<b>70 9221 5211</b>		<b>0419722599</b>		<b>N/A</b>	
Email		Fax:		Date:	
<b>70 gersbach@macroplan.c</b>		<b>av.</b>		<b>8.1.13</b>	
Signature of applicant:					
<input checked="" type="checkbox"/>					
OFFICE USE ONLY: <input type="checkbox"/> DCP \$6,000 <input type="checkbox"/> Pre-rezoning Advice \$2,500 <input type="checkbox"/> Minor \$6,000 <input checked="" type="checkbox"/> Major \$25,000 <input type="checkbox"/> Significant \$31,000					
Code: <b>AP/DA/RZ-1/2013</b> Fee: <b>25,000</b> Receipt No: <b>238552</b> Date: <b>14.1.13</b> (Please see overleaf)					

## CUSTOMER REZONING CHECKLIST

Please make sure your application includes all of the following information. If you can tick every box below, your application is ready to submit.

Please Tick

1. Have you had a pre-application meeting with Council's City Strategy and/or City Planning Staff?	<input type="checkbox"/> N/A
2. In the case of major applications, have you engaged professional advice to assist you in the preparation of your application?	<input checked="" type="checkbox"/>
3. Have you completed all the relevant parts of the application form?	<input checked="" type="checkbox"/>
4. Do you have the application fee? (Refer to "Information for Applicants" brochure)?	<input checked="" type="checkbox"/>
5. Do you have four (4) copies of the application and all supporting information, including: <ul style="list-style-type: none"> <li>- Property and Survey Plans?</li> <li>- Concept Plans?</li> <li>- Site Contamination Report: Given the history of the area and the diversity of uses that have occurred over the years, it will be necessary (in most cases) to review the land use history of your site and the resulting need to obtain more detail in the form of a site contamination report.</li> <li>- Reports/Studies (if relevant) addressing such issues as:                 <ul style="list-style-type: none"> <li>Eg Heritage</li> <li>Traffic/Parking</li> <li>Flooding/Drainage</li> <li>Flora and Fauna</li> <li>Noise/Odour/Dust</li> <li>Water/Pollution</li> <li>Retail Impact</li> <li>Soil suitability</li> </ul> </li> <li>- Details of the impact of the proposal?</li> <li>- Details of the substantial public benefit?</li> <li>- CD containing all data</li> </ul>	<input checked="" type="checkbox"/>
6. Have you made an appointment with Council's relevant planning officer?	<input type="checkbox"/> N/A

### OFFICE USE ONLY:

Counter - Checklist to be completed when applications are lodged:

1. Application Number	<input type="checkbox"/>
2. Application form completed correctly?	<input checked="" type="checkbox"/>
3. Details provided in accordance with the information for Applicants document	<input checked="" type="checkbox"/>
4. Correct fee paid?	<input checked="" type="checkbox"/>
5. Applicant has discussed the proposal with a planning officer and addressed all relevant details in the application form?	<input checked="" type="checkbox"/>
6. Application has been acknowledged?	<input checked="" type="checkbox"/>
7. LEP Coordinator: Name <i>Megan Hill</i>	<input checked="" type="checkbox"/>
Signature <i>M Hill</i>	
Date received at counter <i>14/1/13.</i>	

**THIS FORM IS NOT TO BE TAKEN UNLESS CONFIRMED BY LEP CO-ORDINATOR**

### IMPORTANT:

Any personal information provided by you on this form will be used by Council or its agents to process this application. The provision of this information is voluntary, however, if you do not provide the information, Council will be unable to process your application. Once collected by Council, the information can be accessed by you and may also be available to third parties in accordance with Council's "Access to Documents Policy".

**INFORMATION FOR APPLICANTS BROCHURE  
FOR REZONING LAND OR AMENDING THE  
LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008**

What are the key steps in considering a rezoning application once it has been received by Council?

**1. What is my first step in making a rezoning application?**

The first thing to do is talk to a strategic planner in Council's City Strategy Department. These officers will advise you whether your application is likely to be supported by Council. Staff are generally available during office hours, but for important or complex proposals it is better to make an appointment by ringing 9821 9317.

**2. What is a rezoning and what effect does it have?**

A rezoning or amendment to the Liverpool Local Environmental Plan 2008 is a legal town planning process which, when complete, alters the range of activities permissible on a site. This may increase or decrease the range of permissible uses for the property.

**3. How much does a rezoning or DCP amendment cost?**

**2008/ 2009 Rezoning and DCP Amendment Fees**

(1)	<b>Local Environmental Plan Amendments (Rezonings)</b> <ul style="list-style-type: none"> <li>• Pre-zoning advice, commercial, retail or industrial uses requiring written response from Council officers. Note: The \$2,500.00 will be deducted from the rezoning fee if the applicant proceeds with the rezoning</li> <li>• Minor residential rezoning or adjustment to the boundary of a residential zone. (eg rectifying anomaly in zone line position to match lot lines)</li> <li>• Commercial, Industrial or Residential rezoning.</li> <li>• Commercial, Industrial or major residential rezoning requiring a planning study.</li> <li>• Environmental Study</li> </ul>	<ul style="list-style-type: none"> <li>\$ 2,500.00</li> <li>\$ 6,000.00</li> <li>\$ 25,000.00</li> <li>\$ 31,000.00</li> <li>Full cost recovery</li> </ul>
(2)	<b>Refund of LEP Amendment Fees</b> <ul style="list-style-type: none"> <li>• Major applications incurring a \$31,000 fee are non-refundable in all cases.</li> </ul> <p><b>For other applications the following applies:</b></p> <ul style="list-style-type: none"> <li>• If application withdrawn prior to a report being prepared for Council</li> <li>• If application is withdrawn following report being prepared for submission to Council but not reported.</li> <li>• If application refused by Council or Department of Planning before public advertising.</li> <li>• In all other circumstances there will be no refund</li> </ul>	<b>REFUND AMOUNT</b> <ul style="list-style-type: none"> <li>NIL</li> <li>80%</li> <li>60%</li> <li>60%</li> <li>NIL</li> </ul>
(3)	<b>Development Control Plan amendments</b>	\$ 6,000.00

*Note: Full cost recovery is where the applicant is responsible for all costs associated with the Environmental Study.*

**4. What information must I submit with my rezoning application?**

Your application to rezone a property must include four (4) copies printed and one (1) CD copy of the following information:

- Written consent from the owner of the property you wish to rezone;
- Details of the property (including address, lot and Deposited Plan number);
- A survey plan of the property drawn to scale (eg. 1:1000, 1:500);
- Details of any activities you wish to carry out on the property if it was rezoned;
- Details of the use of surrounding properties and how your rezoning might affect these properties (including issues such as traffic, noise, privacy, access etc);
- What impact - if any - the loss of the existing use of the site will have on the City of Liverpool;
- An analysis of how the rezoning would comply with any relevant aims and objectives contained in both the Liverpool Local Environmental Plan 2008 and Council's Development Control Plan 2008. Copies of these plans are available from Council;
- Details of any substantial public benefit that would result from your proposal (examples of this could include a corner store in a residential area where there is no shopping centre for several kilometres or a private recreation complex such as swimming pools or tennis courts in an area where there are no such facilities);
- A concept plan showing how the site might be redeveloped if the rezoning was successful (plan at a scale suited to the nature of the proposal);
- Related necessary information (for example in some instances traffic studies, commercial / retail viability analysis, ecological assessments for threatened species, noise analysis);
- The fee (this is subject to change annually and you should check with Council before you lodge your application);
- The completed application form.

Additional copies of the above information may be required if the rezoning needs to be referred to any external bodies.

**5. Are all rezoning applications approved by Council?**

No. Council does not approve every rezoning application, some are refused. If you fail to convince Council that your rezoning application is appropriate it will be refused. A percentage of your fee may be refunded at this stage.

**6. Can I take legal action if the rezoning is refused?**

No. Presently there is no right of appeal against Councils decision on the rezoning, as outlined in the Environmental Planning and Assessment Act 1979.

**7. If my rezoning is refused will my fee be refunded?**

A partial refund may be available if the application is withdrawn before the Council makes a decision on it, or if Council resolves not to exhibit a draft LEP for the rezoning / amendment.

**8. What is the law on rezoning?**

A rezoning, or more correctly an amendment of Councils Local Environmental Plan 2008, is an action under the Environmental Planning and Assessment Act, and must be carried out in accordance with this Act. Council planners or your planning consultant will attend to these matters.

**9. What is the role of the public in the rezoning process?**

If the Council resolves to exhibit a draft local environmental plan, the public has a right to view the plan and comment on its content. Apart from placing an advertisement in the newspaper advising the community of the exhibition, Council will notify in writing those residents and property owners it feels may be affected by the draft local environmental plan. Council must take into consideration submissions from the public when it makes its decision whether or not to proceed with the rezoning.

**10. What is meant by a Substantial Public Benefit?**

A rezoning application has a substantial public benefit if:

- When, compared to any of the range of activities presently permitted on the site, the proposal will result in an improved physical, social and economic environment not only for the subject site but for its the surrounding environment and Liverpool Local Government Area as a whole, and
- the application satisfies Councils rezoning application assessment criteria.

**11. What matter does Council consider when determining your application? (Assessment Criteria)**

Council considers the following matters when it determines your rezoning application:

- the Objects of the Environmental Planning and Assessment Act;
- the relevant heads of consideration for development applications (as detailed under Section 79C of the EP&A Act);
- any relevant State or Regional environmental policies, circulars or Ministerial directions;
- the relevant visions, mission statements, aims and outcomes contained on the Liverpool Council Management Plan;
- the relevant objectives of the Liverpool Local Environmental Plan 2008;
- the objectives of Development Control Plan 2008;

- any relevant non-statutory planning document adopted or exhibited by Council (eg. Strategic Plans, codes, concept plans and the like);
- any precedent that may be set as a result of the proposed rezoning;
- any cumulative impact that may result across the City as a result of the application being followed by other applications;
- any relevant experience with similar proposals or circumstances applying in other LGA's.

Assessment of the application must also include an appraisal of any other alternative zoning for the site that may be appropriate (ie. Other than the current zone or the zone being proposed).

In determining the application, Council must take into consideration any submissions from the public, the response of any authority to which the matter was referred and the advice of other Departments within Council.

The application must also demonstrate the substantial public benefit arising from the proposal.

## 12. Should I use a town planning consultant?

An LEP amendment application needs to include some very detailed information. To ensure your application is comprehensive Council strongly recommends you employ a qualified town planner to prepare your proposal. Town Planners are listed under Town and Regional Planning in the Yellow Pages. Your town planner or Council's planner will advise you whether other specialist advice may be necessary.

**Property Summary** \_ □ ×

**Address Details** (Liverpool City Council)

Property Address: 1985 CAMDEN VALLEY WAY, PRESTONS NSW 2170  
 Owners: MR VICTOR EMANUELE CUSUMANO and MRS ALFIA ANN CUSUMANO  
 Status: Current  
 Property Key: 3920

Description: LOT 1 DP 661177

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**Property Details**

Property Type: STANDARD  
 Ward: SOUTH WARD  
 Assessment: 3920 5  
 Area : Land: 3541 M2    Building: 0

**Title**

DT

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**Parcel** (1)

LOT 1 DP 661177

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**References**

OLDPROP#: 708.6001  
 PIN: 49528

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**Land Use**

**Zones**

406    B6 Enterprise Corridor

Options    Close

Form: LPAG0010  
 Entity: CSYBUTT  
 Field: BOPTIONS  
 Date/Time: 14-Jan-2013 13:49:44  
 Release: 03.06.000 (0014) With Fixes  
 Customer: LIVE  
 User: SIBBALDD  
 Stage: Lccgeac  
 Platform: WXP

**Property Summary**

**Address Details** (Liverpool City Council)

Property Address: 1975 CAMDEN VALLEY WAY, PRESTONS NSW 2170  
 Owners: MR VICTOR EMANUELE CUSUMANO and MRS ALFIA ANN CUSUMANO  
 Description: LOT 50 DP 1082416

Status: Current  
 Property Key: 167126

**Property Details**

Property Type: STANDARD  
 Ward: SOUTH WARD  
 Assessment: 84413 3  
 Area : Land: 1.226 H Building: 0

**References**

**Land Use**

**Zones**

406 B6 Enterprise Corridor

**Title**

**Parcel** (1)  
 LOT 50 DP 1082416

Options Close

Form: LPAG0010  
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 Field: BOPTIONS  
 Date/Time: 14-Jan-2013 13:49:28  
 Release: 03.06.000 (0014) With Fixes  
 Customer: LIVE  
 User: SIBBALDD  
 Stage: Lccgeac  
 Platform: WXP