



Planning & Environment

Rezoning Review Application Form

Date received:

Received 23/7/19 by
Amy Galea, Senior Planner

Reference No.

LODGEMENT

Instructions to users

This form is to be completed if you wish to request an independent review of a request for a planning proposal prior to a Gateway determination being issued.

A **Rezoning Review** can be sought before a planning proposal has been submitted to the Department of Planning and Environment (Department) for a Gateway determination in the following circumstances:

- the council has notified the proponent that the request to prepare a planning proposal is not supported; or
- the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information¹ or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Before lodging a request for review, it is recommended that you consult the Planning Circular 'Independent reviews of plan making decisions' and 'A guide to preparing local environmental plans', which can be found on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/The-Gateway-Process. The guide gives a step-by-step explanation of the review procedure and submission requirements.

To ensure that your request for review is accepted, you must:

- complete **all** relevant parts of this form
- submit **all** relevant information required by this form, including the **initial fee**.
- provide **one hard copy** of this form and required documentation
- provide the form and documentation in **electronic format** (e.g. CD-ROM)

Note: Requests for review will not proceed to initial assessment stage unless the correct fee is provided.

All requests **should be lodged** with the Department's relevant Regional Office. Please refer to www.planning.nsw.gov.au for contact details.

PART A - APPLICANT AND SITE DETAILS

A1 - Applicant Details

Principal contact

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Nigel

Family name

White

Name of company (N/A if an individual)

Planning Direction P/L

Street address

Unit/street no.

10/241-245

Street name

Pennant Hills Road

Suburb/town

Carlingford

State

NSW

Postcode

2118

Postal address
(or mark 'as above')

PO Box or Bag

Suburb or town

State

Postcode

Daytime telephone

Fax

Email

nigel@planningdirection.com.au

Mobile

0418 644 604

¹ 'A guide to preparing planning proposals' sets out what information a proponent may provide when requesting council to prepare a planning proposal. Information requirements will depend on the complexity of the planning proposal. Section 3.33 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

A2 – Site Details

Identify the land that is to be the subject of the planning instrument and for which you seek a review

Unit/street no. Street name
Street address 307-311A Bexley Road
Suburb/town also 88-96 New Illawarra State NSW Postcode
Bexley North

NAME OF THE SITE

REAL PROPERTY DESCRIPTION

refer to attached sheet

The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Finance and Services, Land and Property Information. Please ensure that you place a forward slash (/) to distinguish between the lot, section DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma (,) to distinguish between each real property description.

PROVIDE DETAILS OF ALL AFFECTED LANDOWNERS WHERE THEY ARE NOT THE DIRECT APPLICANT

HAVE ALL OWNERS OF LAND TO WHICH THIS PROPOSED INSTRUMENT APPLIES BEEN NOTIFIED?

- ☒ Yes
☐ No
☐ Some have but not all
☐ N/A (Applicant is owner)

Note: If some land owners, but not all, have been notified, list below those notified:

CURRENT ZONING OF THE LAND AT THE SITE

Residential Low Density R2

CURRENT LAND USE AT THE SITE

a service station and housing/residential

PART B – REASON FOR REVIEW AND THE PLANNING PROPOSAL

B1 – Reason for Rezoning Review and the Planning Proposal Authority (PPA)

Indicate below the reason for seeking a rezoning review. A review can only proceed if either of these two circumstances has occurred.

- ☒ The council has confirmed in writing that the request to prepare a planning proposal is not supported. Confirmation dated 20th June 2019
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information² or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Indicate below whether the request to prepare a planning proposal was submitted to the council prior to November 2012?

- ☐ Yes Date:
☒ No

Note: If you have answered 'yes' to the above question, please note that a review can only be sought where the supporting information accompanying the request is less than two years old.

Note: If you have answered 'no' to the above question, please note that a review request accompanied by information that is more than 2 years old, may, but will not normally, be considered.

NAME OF THE LOCAL GOVERNMENT AREA

Bayside Council

² 'A guide to preparing planning proposals' sets out what information a proponent may provide when requesting council to prepare a planning proposal. Information requirements will depend on the complexity of the planning proposal. Section 3.33 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

- (ii) The proposed planning controls are generally consistent with the planning controls applicable to the surrounding development within the Bexley North Local Centre;
 - (iii) The site specific merit has generally shown the capacity and capability of site to accommodate the proposal.
- 2 The following additional requirements are recommended post Gateway:
- (i) Preparation of a site specific Development Control Plan to support the planning proposal; and
 - (ii) further detailed traffic modelling and analysis of potential solutions to traffic issues;
 - (iii) Improvements to pedestrian and cycle links from the development to Bexley North Station, as well as the investigation of appropriate traffic mitigation measures, should be considered as part of any site specific Development Control Plan and Voluntary Planning Agreement.

Background

Applicant: Planning Direction Pty Ltd (Directors: Mr Danny Jones and Mr Christopher Nigel White)

Owners details:

| Road | No. | Owner |
|--------------------|---------|--------------------------------|
| New Illawarra Road | 88 | Mrs N Awada |
| | 90-92 | Mr E Zoumas and Mrs P Zoumas |
| | 94 | Mr A I M Megdadi |
| | 96 | Mr S Ghunaim and Mrs M Ghunaim |
| Bexley Road | 307-311 | Mr Tony Soueid Nazah Soueid |
| | 311A | Mr H Rusli and Mrs S Han |

Site description:

The draft Planning Proposal relates to 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North. Lots subject to the draft Planning Proposal are shown in **Table 1** below:

Table 1: Lots subject to the draft Planning Proposal

| Lot | DP | Address | Site area (m ²) | Current zoning |
|-----|---------|-----------------------------------|-----------------------------|----------------------------|
| 35 | 663036 | 307-309 Bexley Road, Bexley North | 48 | R2 Low Density Residential |
| 1 | 1045200 | 307-309 Bexley Road, Bexley North | 673 | R2 Low Density Residential |
| A | 388204 | 96 New Illawarra Road | 469 | R2 Low Density Residential |
| B | 388204 | 307-309 Bexley Road, Bexley North | 468 | R2 Low Density Residential |
| 1 | 400341 | 94 New Illawarra Road | 562 | R2 Low Density Residential |
| 3 | 508629 | 88 New Illawarra Road | 462 | R2 Low Density Residential |
| 4 | 508629 | 90 New Illawarra Road | 325 | R2 Low Density Residential |
| 5 | 508629 | 311A Bexley Road | 566 | R2 Low Density Residential |
| 6 | 508629 | 311 Bexley Road | 615 | R2 Low Density Residential |

The site is located within the Local Government Area (LGA) of Bayside (previously Rockdale) and has a total area of approximately 4,257sqm. The site is bound by New Illawarra Road to the west; Bexley Road to the east; Amber Gardens reserve to the north and low-density residential development to the south.

The site is currently occupied by low scale residential development of 1-2 storeys in height, and a metro petrol station in the northern portion of the site. Vehicular access to the site is

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

Howard Taylor 9562 1663

B2 – The Proposed Instrument

DESCRIPTION OF PROPOSED INSTRUMENT

LOCAL ENVIRONMENTAL PLAN (LEP) TO BE AMENDED BY THE PROPOSED INSTRUMENT

Rockdale Local Environmental Plan 2011

IS THE LEP TO BE AMENDED (ABOVE) A STANDARD INSTRUMENT LEP?

- ☒ Yes
☐ No

INFORMATION REQUIREMENTS

A proponent may request a review by writing to the Department and providing the following:

- a completed application form;
- a copy of the proponent's request for the council to prepare and submit a planning proposal for Gateway determination, including all supporting material and information that was submitted to Council (Note: A planning proposal request which has been amended after Council has resolved to not support the matter is not eligible for a Rezoning Review. The revised planning proposal request would need to be submitted to Council as a new planning proposal request);
- all correspondence from the council in relation to the proposed instrument, including (if relevant) a copy of the council's advice detailing why the council did not proceed with preparing a planning proposal;
- all correspondence from other Government agencies, if available, about the proposed instrument;
- proponent's justification to the Strategic and Site Specific Merit tests (refer to Step 2 of the Rezoning Review process as set out in 'A guide to preparing local environmental plans'), to confirm why a review is warranted;
- disclosure of reportable political donations under section 10.4 of the Act, if relevant; and
- fee for lodging a rezoning review.

INFORMATION PROVIDED

List below all the documents, maps, plans, studies, information and any other supporting information that comprises your proposed instrument and request for rezoning review.

Survey, Architectural, planning report, contamination engineering

PART C – PAYMENT, DISCLOSURE AND SIGNATURES

C1 – Application Fees

You are required to pay a fee on lodgement of your request. The relevant fee is confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning

Please note that a further fee payment shall be required if a Planning Panel or the Secretary of the Department of Planning and Environment is appointed as an alternate planning proposal authority. Further details can be found within 'A guide to preparing local environmental plans' and the Planning Circular 'Independent reviews of plan making decisions'

Payment methods:

- Cheque / bank order

C2 – Donation and Gift Disclosure

Section 10.4 of the Environmental Planning and Assessment Act 1979 requires the public disclosure of *reportable political donations* or gifts when lodging or commenting on a *relevant planning application*. This law is designed to improve the transparency of the planning system.

DO YOU HAVE ANY DONATIONS OR GIFTS TO DISCLOSE?

- ☐ Yes
☒ No

How and when do you make a disclosure?

The disclosure to the Minister of a *reportable political donation* or gift under section 10.4 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning submission if the donation is made before the submission is made, or

- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning submission was made within 7 days after the donation is made.

What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 10.4(9) of the Act. A Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General can be found on the department's website: www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Systems/Donations-and-Gift-Disclosure

C3 – Signature(s)

By signing below, I/we hereby declare that all information contained within this application form is accurate at the time of signing.

Signature(s)



Name(s)

Nigel White

In what capacity are you signing

Town Planning Consultant

Date

23/7/19