



Rezoning Review Application Form

Date received:

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:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported; or
- b) 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

Greg

Family name

Woodhams

Name of company (N/A if an individual)

Aqualand Projects Pty Ltd

Street address

Unit/street no.

Level 29

Street name

225 George Street (Grosvenor Place)

Suburb/town

Sydney

State

NSW

Postcode

2000

Postal address
(or mark 'as
above')

PO Box or Bag

Suburb or town

As above

State

Postcode

Daytime telephone

Fax

Email

Mobile

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 55 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

Greg.woodhams@aqualand.com.au

02 9228 1888

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	
31-37	Herbert Street	
Suburb/town	State	Postcode
St Leonards	NSW	

NAME OF THE SITE

REAL PROPERTY DESCRIPTION

Lot 1/ DP744175, Lot 2/ DP744175, Lot 3/ DP772072 and Lot 1/ DP115615,

*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

N/A

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

IN2 – Light Industrial

CURRENT LAND USE AT THE SITE

Commercial Office and Retail

PART B – REASON FOR REVIEW AND THE PLANNING PROPOSAL

B1 – Reason for Rezoning Review and the Relevant Planning Authority (RPA)

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 24 October 2016



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

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 55 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

Willoughby City Council

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

Jane Gibson - Strategic Planner
- 9777 7672
- jane.gibson@willoughby.nsw.gov.au

B2 – The Proposed Instrument

DESCRIPTION OF PROPOSED INSTRUMENT

The planning proposal request a site specific rezoning for 31-37 Herbert Street, St Leonards, to rezone the site from its current IN2 Light Industrial land use to B4 Mixed Use. Specifically, the planning proposal seeks an amendment to the *Willoughby Local Environmental Plan 2012* to achieve the following:

- Change the zoning of the site from IN2 Light Industrial to B4 Mixed Use;
- Increase the Floor Space Ratio from 1:1 to 6.5:1 ; and
- Include 3 Reduced Levels (RLs) building heights across the site of RL 180m, RL 155m and RL 142m

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

Willoughby Local Environmental Plan 2012

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 147 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.

- Covering Letter outline the Rezoning Review Request including Strategic Merit Test
- A completed Rezoning Review application form (this form) and the relevant application fee of \$20,000.00 (**Attachment A**).
- A copy of Council's Meeting Agenda and Resolution from 6 September 2016 (**Attachment B**).
- A copy of the subject Planning Proposal prepared by Urbis, dated August 2016 (**Attachment C**), including the following supporting documentation:
 - o Preliminary Concept Design prepared by FJMT;
 - o Shadow Diagrams prepared by FJMT;
 - o Preliminary SEPP 65 and ADG Assessment prepared by Urbis;
 - o Traffic and Parking Assessment prepared by Traffix;
 - o Stage 1 Preliminary Site Investigation – 31-35 Herbert Street prepared by SLR;
 - o Stage 1 Preliminary Site Investigation – 31-35 Herbert Street prepared by SLR;
 - o Economic Assessment prepared by Location IQ; and
 - o Voluntary Planning Agreement.

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 relevant planning 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 147 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 or the Director-General of a *reportable political donation* or gift under section 147 of the Act is to be made:

- in, or in a statement accompanying, the relevant planning submission if the donation is made before the submission is made, or
- 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 147(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)

Greg Woodhams

In what capacity are you signing

Planning Manager

Date

8/11/2016