



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:

- 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

X Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Chris

Family name

Wilson

Name of company (N/A if an individual)

Willowtree Planning Pty Ltd c/o Redfern Rosehill Pty Ltd

Street address

Unit/street no.

Suite 4, Level
7, 100

Street name

Walker Street

Suburb/town

North Sydney

State

NSW

Postcode

2060

Postal address
(or mark 'as
above')

PO Box or Bag

As above

Suburb or town

State

Postcode

Daytime telephone

02 9929 6974

Fax

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.

Email Mobile

A2 – Site Details

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

Street address Unit/street no. Street name
Suburb/town State Postcode

NAME OF THE SITE

REAL PROPERTY DESCRIPTION

*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 **Note:** If some land owners, but not all, have been notified, list below those notified:
☐ No
☐ Some have but not all
☐ N/A (Applicant is owner)

CURRENT ZONING OF THE LAND AT THE SITE

CURRENT LAND USE AT THE SITE

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 10 September 2018**
- ☐ **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.

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.

NAME OF THE LOCAL GOVERNMENT AREA

Sydney

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

Jesse McNicoll: jMcNicoll@cityofsydney.nsw.gov.au
Tamara Bruckshaw: tbruckshaw@cityofsydney.nsw.gov.au
Nick Knezevic: nknezevic@cityofsydney.nsw.gov.au

B2 – The Proposed Instrument

DESCRIPTION OF PROPOSED INSTRUMENT

Amendment to Clause 4.3 Height of Buildings to permit building heights up to 99.6m and Clause 4.4 Floor Space Ratio to permit a 10.4:1 FSR

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

Sydney 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.

- Application Form
- Cover Letter
- Planning Proposal, as submitted to Council:
 - Original Council Submission (9 May 2018):
 - Planning Proposal Report
 - Appendix 1 Survey Plan
 - Appendix 2 Urban Design Report
 - Appendix 3 Landscape Concept Plan
 - Appendix 4 Traffic Impact Assessment Report
 - Appendix 5 Economic Benefits and Community Needs Assessment
 - Appendix 6 Noise Impact Assessment
 - Appendix 7 Wind Study
 - Appendix 8 Environmentally Sustainable Development Strategy
 - Appendix 9 Public Art Strategy
 - Appendix 10 Voluntary Planning Agreement Offer
 - Appendix 11 Strategic Merit Test
 - Appendix 12 Lodgement Letter from City of Sydney Council
 - Appendix 13 Digital Model
 - Additional Information Response 1 (13 June 2018):
 - Cover Letter
 - Appendix 1 Council Letter, dated 30 May 2018
 - Appendix 2 Council Email Correspondence, dated 23 May 2018
 - Appendix 3 Overshadowing Impacts Assessment
 - Appendix 4 Solar Access Spreadsheet – 2 Botany Road
 - Appendix 5 Solar Access Spreadsheet – 10-20 Gardens Street

- Appendix 6 Solar Access Spreadsheet – 31 Cornwallis Street
 - Appendix 7 Solar Access Spreadsheet – 37-61 Gibbons Street
 - Additional Information Response 2 (29 June 2018):
 - Cover Letter
 - Appendix 1 Council Email Correspondence, dated 21 June 2018
 - Appendix 2 Overshadowing Impacts Assessment
 - Appendix 3 Solar Access Spreadsheet – 80 Rosehill Street
 - Appendix 4 Solar Access Spreadsheet – 82 Rosehill Street
 - Appendix 5 Solar Access Spreadsheet – 84 Rosehill Street
 - Appendix 6 Solar Access Spreadsheet – 88 Rosehill Street
 - Revised Draft VPA Offer (9 August 2018):
 - Applicant and Council Email Correspondence, dated 9 August 2018
 - Applicant and Council Email Correspondence, dated 10 August 2018
 - Updated VPA Offer
- Correspondence from Council and documentation relating to Council's decision on the Planning Proposal:
 - Letter from Council confirming a Planning Proposal may be submitted, dated 20 December 2017
 - Council email requesting additional information in relation to overshadowing, dated 23 May 2018
 - Letter from Council confirming Planning Proposal contains all required information, except in relation to overshadowing impacts, dated 30 May 2018
 - Email to Council providing additional information, dated 13 June 2018
 - Council email requesting further additional information in relation to overshadowing, 21 June 2018
 - Email to Council providing additional information, dated 29 June 2018
 - Initial email feedback from Council in relation to the public benefit offer, 11 July 2018
 - Email to Council providing updated VPA Offer, 9 August 2018
 - Email to Council providing further explanation of updated VPA Offer, 10 August 2018
 - Council Meeting Agenda and Council Assessment Report, dated 10 September 2018 (published online 5 September 2018)
- Updated Strategic and Site Specific Merit Tests
- Application fee

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:

- (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 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)

Chris Wilson

In what capacity are you signing

Managing Director – Willowtree Planning Pty Ltd

Date

17 September 2018