



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

David

Family name

Vitnell

Name of company (N/A if an individual)

Paxria Pty Ltd and Fourthwell Pty Ltd c/o Creative Planning Solutions Pty Limited

Street address	Unit/street no.	Street name		
	3/397	Riley Street		
	Suburb/town	State	Postcode	
	Surry Hills	NSW	2010	
Postal address (or mark 'as above')	PO Box or Bag	Suburb or town		
	PO Box 1074	Broadway		
	State	Postcode	Daytime telephone	Fax
	NSW	2007	(02) 8039 7461	
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.

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		
	98	Coachwood Drive		
	Suburb/town	State	Postcode	
	Medowie	NSW	2318	

NAME OF THE SITE

98 Coachwood Drive, Medowie NSW 2318 (155 Acres / 62.0 Hectares)

REAL PROPERTY DESCRIPTION

Lot 1 in Deposited Plan 1019113 being Folio Identifier 1/1019113

*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

Nil

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

E2 Environmental Conservation & SP1 Special Activities

CURRENT LAND USE AT THE SITE

Nil

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

☒

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

Port Stephens

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

Matthew Borsato

B2 – The Proposed Instrument

DESCRIPTION OF PROPOSED INSTRUMENT

Amendment to R2 Low Density Residential and E1 National Parks and Nature Reserves

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

Port Stephens Local Environmental Plan 2013

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.

- Cover Letter and Report (Creative Planning Solutions, Apr 2018)
- Planning Proposal to amend Port Stephens LEP 2013 (Carman Surveyors, Oct 2014),
- Revised Planning Proposal in Response to Referral Comments (Carman Surveyors, Apr 2015),
- Flora and Fauna Assessment Report (RPS, Aug 2013),
- Preliminary Bushfire Hazard Assessment advice and APZ Mark up (RPS, Oct 2013),
- Water Cycle Management Plan (WBM BMT, Jul 2013),
- Infrastructure Assessment Report (Carman Surveyors, Jan 2015)
- Urban Design Report (Design Partnership, Jul 2013),
- Hunter Water Preliminary Servicing Advice (HWC, May 2013),
- AHIMS Web Services Search Results (AWS, Jul 2013),
- Information Package referencing Group Referral Responses (Carman Surveyors, Feb 2015),
- Boundary Rd Comparison Paper and Information Summary (Carman Surveyors, Aug 2015).
- Port Stephens Council initial response to environmental issues (PSC, Feb 2015),
- Office of Environment & Heritage response to Council (Office of Environment and Heritage Feb 2015),
- Traffic Impact Study (Northern Transport and Engineering Pty Ltd, Mar 2018).
- Letter regarding Flood Risk Assessment (BMT WBM, Apr 2018).
- Comments on Referral Agency Responses - Biodiversity (MJD Environmental, Mar 2018).

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)

Evan Carman

In what capacity are you signing

Property owner

Date

10 April 2018