



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 information<sup>1</sup> 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](http://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](http://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

Michael

Family name

Rodger

Name of company (N/A if an individual)

Urbanco

Street address

Unit/street no.

Street name

Suburb/town

State

Postcode

Postal address  
(or mark 'as  
above')

PO Box or Bag

Suburb or town

PO Box 546

Pymont

State

Postcode

Daytime telephone

Fax

NSW

2155

02 9051 9333

Email: michael.rodger@urbanco.com.au

Mobile: 0455 994 957

<sup>1</sup> '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

Unit/street no.	Street name	
233	Yellow Rock road	
Suburb/town	State	Postcode
Yellow Rock	NSW	2527

NAME OF THE SITE

### REAL PROPERTY DESCRIPTION

The property description of the landholding subject to this Planning Proposal is as follows:

- 233 Yellow Rock Road – Lot 334 / DP 1085477

*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

RU1 – Primary Production

CURRENT LAND USE AT THE SITE

Sporadic small scale agistment / residential dwellings

## 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 29 September 2018



The council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information<sup>2</sup> 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.

<sup>2</sup> "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

Shellharbour Council

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

Ian Rankine

**B2 – The Proposed Instrument**

DESCRIPTION OF PROPOSED INSTRUMENT

The Planning Proposal provides a vision for the resolution and finalisation of the Yellow Rock Rural Transition Lands, delivering a dedicated transition between the existing urban zoned land and sensitive vegetated environmental bushland to the west.

The Planning Proposal sought to rezone the land RU6 Rural Transition, with a transition in minimum lot size from 2,00m<sup>2</sup> to 4,000m<sup>2</sup>.

See attached Cover Letter

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

Shellharbour 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.

- Planning Proposal and all supporting studies  
(Revision C being most recent revision provided to Council)
- Rural Transition Lands Concept Plan
- All Email Correspondence from Council  
Note only Email of 30 May Requested minor updates the Proposal regarding road names, inset plan of Macquarie Rivulet Flood Study and the like.
- Correspondence from Council advising the proposal is not supported.

**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](http://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](http://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)



Michael Rodger

Name(s)

Michael Rodger – Applicant / Consultant Planner

In what capacity are you signing

Applicant

Date

9 November 2018