



PWG003058



John McDonald Building Services

A.C.N. 075 728 335 A.B.N. 94 075 728 335

14th September 2017

Anne Martin
Southern Region
Department of Planning and Environment
PO Box 5475
Wollongong NSW 2520

Dear Anne,

**RE: Lot 1 Broughton Street Moss Vale – Planning Proposal – Pre Gateway Review
Application Form and Payment Enclosed**

As per our telephone conversation last week please find enclosed Rezoning Review Application form and a cheque for the sum of \$20,000 being the initial fee for the above site.

The original review documentation was posted to your Wollongong on 7th September 2017 and you confirmed you have received this. Also enclosed is an electronic format on CD. USB.

Please do not hesitate to contact me should you require any further information.

Kind regards



Kim Brown
Administration

Unit 19/151 Hartley Rd, Smeaton Grange. NSW 2567
Phone 02 46 480311 Fax 02 46 470026 Mob 0430797341



PO Box 295
CAMDEN NSW 2570
Suite 5 Level 1 Harrington Plaza
Fairwater Drive
HARRINGTON PARK NSW 2567

Phone: 46 480877

Mobile: 0418620718
Email: michael@michaelbrown.com.au
ABN 52 162 313 895

5th September 2017

Your Ref:
Our Ref: 32/13

Mr Graham Towers
The Team Leader
Southern Region
Department of Planning and Environment
PO Box 5475
Wollongong NSW 2520

POSTED + Received
by Dept of Planning
8/9/17.

REF: Anne Martin.

Dear Graham

RE: Lot 1 DP 819424, Darraby Lodge, Broughton Street, Moss Vale - Planning Proposal - Pre-Gateway Review

We act for Mr Kerry and Mrs Wendy Marshall owners of the subject property. We have been working with Wingecarribee Shire Council for a number of years, since 2013, to have the subject land rezoned for residential purposes. The owners have been patient and understanding that the Council was preparing a number of strategies to inform the future growth of the Shire. One of these documents was the Local Planning Strategy 2015-2031.

This was finalised, which our client's submitted Planning Proposal to be considered by Councillors. At the Ordinary Meeting of Council on Wednesday 12th July 2017, the application to rezone the land from E3 Environmental Management to R2 Low Density Residential and apply a minimum lot size of between 450m² and 2000m² to achieve a yield of 227 lots was not supported.

This resolution was contrary to a previous resolution to support all or part of the property. The following provides a chronology of events that have occurred over the ensuing years to have the land rezoned. It would be noted that the subject property is located at the end of Broughton Street and no further subdivision potential is available to the adjoining land to the west, being a water tower. To the east, this land has been rezoned and subdivided for residential purposes.

This submission is made for due consideration resulting from a continually deferred and changing agreement with Wingecarribee Shire Council.



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

Mr

First name

Michael

Family name

Brown

Name of company (N/A if an individual)

Michael Brown Planning Strategies

Street address

Unit/street no.

19/151

Street name

Hartley Road

Suburb/town

Smeaton Grange

State

NSW

Postcode

2567

Postal address
(or mark 'as
above')

PO Box or Bag

PO Box 295

Suburb or town

Camden

State

NSW

Postcode

2570

Daytime telephone

0418620718

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

michael@michaelbrown.com.au

Mobile

0418620718

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		
Lot 1	Broughton Street		
Suburb/town	State	Postcode	
Moss Vale	NSW	2577	

NAME OF THE SITE

Darraby Lodge

REAL PROPERTY DESCRIPTION

Lot 1. DP819424

*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

Kerry and Wendy Marshall

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:
 YES

CURRENT ZONING OF THE LAND AT THE SITE

E3

CURRENT LAND USE AT THE SITE

Dwelling and Grazing Cattle

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
☒ No

Date:

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

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.

information that is more than 2 years old, may, but will not normally, be considered.

NAME OF THE LOCAL GOVERNMENT AREA

Wingecarribee Shire Council

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

Susan Stannard

B2 – The Proposed Instrument

DESCRIPTION OF PROPOSED INSTRUMENT

Amendment to Wingecarribee LEP 2010

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

Wingecarribee 2010

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.

As per attached

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)

Michael Brown

OWNER

K MARSHALL

In what capacity are you signing

Applicant

owner

Date

11/9/17

11/9/17