



## 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 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

Greg

Family name

Colbran

Name of company (N/A if an individual)

Deicorp Projects (Crows Nest) Pty Ltd

Street address

Unit/street no.

161

Street name

Redfern Street

Suburb/town

Redfern

State

NSW

Postcode

2016

Postal address  
(or mark 'as  
above')

PO Box or Bag

As above

Suburb or town

State

Postcode

Daytime telephone

02 8665 4100

Fax

Email

GColbran@deicorp.com.au

Mobile

0418 234 076

<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 3.33 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		
Street address	See attached schedule		
Suburb/town	State	Postcode	
Crows Nest	NSW	2065	

NAME OF THE SITE

Fiveways Triangle

REAL PROPERTY DESCRIPTION

See attached schedule

*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

See attached schedule

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

B4 Mixed Use

CURRENT LAND USE AT THE SITE

Commercial

## PART B – REASON FOR REVIEW AND THE PLANNING PROPOSAL

### B1 – Reason for Rezoning Review and the Planning Proposal Authority (PPA)

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 26 February 2021**
- ☒ **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.

NAME OF THE LOCAL GOVERNMENT AREA

North Sydney

<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 3.33 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

Neal McCarry - Neal.McCarry@northsydney.nsw.gov.au - 02 9936 8325

**B2 – The Proposed Instrument**

DESCRIPTION OF PROPOSED INSTRUMENT

Amend height to 75m, non-residential FSR to 2.5:1 and overall FSR to 9.3:1

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

North Sydney 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 10.4 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 appendices. Covering letter.

**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 planning proposal 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 10.4 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 of a *reportable political donation* or gift under section 10.4 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.

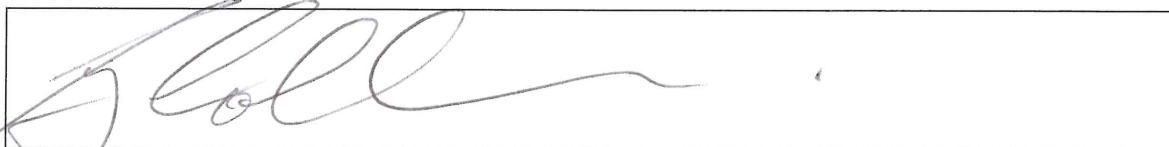
**What information needs to be included in a disclosure?**

The information requirements of a disclosure of reportable political donations are outlined in section 10.4(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)



Name(s)

Greg Colbran

In what capacity are you signing

Applicant

Date

11 March 2021



## Fiveways Triangle Site Planning Proposal

### Property and Ownership Schedule at 11 March 2021

Address	Lot	Deposited Plan	Ownership	Owner
3 Falcon Street	2	DP 29672	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
7 Falcon Street	3	DP 29672	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
9-11 Falcon Street	1	DP 127595	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
15 Falcon Street	1	DP 562966	Exchanged settlement pending	Dimitrios Markakis & Anastasia Markakis
8 Alexander Street	11	DP 29672	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
391-393 Pacific Highway	6	DP 16402	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
395 Pacific Highway	4 and 5	DP 16402	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
399 Pacific Highway	3	DP 16402	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
401 Pacific Highway	1 and 2	DP 16402	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
407 Pacific Highway	10	DP 29672	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
411 Pacific Highway	8 and 9	DP 29672	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
413 Pacific Highway	7	DP 29672	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
415 Pacific Highway	6	DP 29672	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
417 Pacific Highway	5	DP 29672	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
419 Pacific Highway	4	DP 29672	Owned by Applicant	Deicorp Projects (Crows Nest) Pty Ltd
423 Pacific Highway	1	DP 29672	Exchanged settlement pending	Sibhilt Pty Limited ACN 003 602 122