

Gosford City Council
Application Number #.....

RA = rezoning (DLEP) application
DCP = development control plan application



APPLICATION FOR DRAFT LOCAL ENVIRONMENTAL PLAN (rezoning) or DEVELOPMENT CONTROL PLAN

under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
& *Environmental Planning and Assessment Regulations 2000*

TYPE OF PLAN REQUESTED {You need to indicate what you are asking Council to prepare}

- for Council to prepare a Draft Local Environmental Plan, includes amendments (DLEP)
- for Council to prepare a Development Control Plan, includes amendments (DCP)

Draft Local Environmental Plan (which sets the broad permissible and prohibited landuse).

Before lodging a DLEP application reference should be made to the Department of Planning's DLEP requirements (see website www.planning.nsw.gov.au and refer to 'Planning System' then 'Local Plan Making' circulars, practice notes and directions, in particular PS 05-005 & PS 06-005 pertaining to the 'LEP Review Panel' and the 'pro forma evaluation criteria'). Advice should also be sought from Council's landuse planners in relation to strategic directions and other matters that should support any proposal. Where Council resolves to support a DLEP it must be referred to the Department's LEP Review Panel. Where supported by the Panel it will proceed eventually to public exhibition for community submissions. After consideration of submissions, where Council supports the DLEP it is forwarded to the Planning Minister who may choose to either make the plan, or amend and make it, or decline to make it. The application and supporting information should be lodged in digital form wherever possible.

Proposed Development Control Plan

Where Council supports a DLEP it may also determine that detailed guidance in the form of a DCP is required to guide future development. A further application is to be lodged with Council to prepare such. An application to amend an existing DCP may also be lodged with Council. A DCP is prepared, made and brought into effect by Council pursuant to the EP&A Act. Pursuant to Section 72 of the EP&A Act the DCP must generally conform to the provisions of the relevant LEP. The EP&A Regulations set out the process. (NB: in some instances a Developer Contributions Plan may also be required to be prepared - see Section 94 of the EP&A Act). The application and supporting information should be lodged in digital form wherever possible.

Note:

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 amended the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979. A disclosure statement (S328A LG Act and S147 EP&A Act) is required for a reportable political donation or gift and must accompany a planning application or a submission lodged to a planning application. A planning application includes a DLEP, DCP, Development Application or Developer Contributions Plan per S94 EP&A Act. Council must also keep a public register (S375A LG Act) of Council's decisions on planning applications which records which Councillors who supported and opposed the matter. A disclosure form is available on Council's website or from Council's Customers Services. The legislation should be consulted for more information.

OFFICE USE ONLY

CLERICAL CHECKLIST	yes / no	FEES	A/C # hot key account E3001.018	AMOUNT PAID	DATE PAID
Owners' consents attached		DLEP Application stage 1 (lodgement) fee	#700		
digital copy (dxf format) of application's supporting material received		stage 2 DLEP fee (payable before public exhibition is arranged, but only if Council resolves to proceed with plan preparation)	#700		
current zone/s		other DLEP fee (see adopted fees schedule)	#700		
Received (dd/mm/yy)		DCP Application	#700		

Description of Property

This is the property subject to the DLEP application. You must be able to provide an identifier/s for the property/s concerned. This can be a street address or a Lot and Deposited Plan number (or both) but CANNOT be an RMB number. These details are on your Council rates notice.

(PLEASE PRINT)

Street No Street name/s

Suburb Postcode.....

Lot(s) Sec(s)

DP(s) or SP(s)

Details of all Owners

Details of ALL the registered owners of the above property should be listed here. These should be the owners as shown on the Council record (rates notice). If the property has recently changed hands (within the last 8 weeks) Council may require a copy of the Title Deed or a letter from the conveyancer to confirm that ownership has changed.

(PLEASE PRINT)

Name(s).....

.....

Signature of ALL owners

.....

Company Seal if required

Details of Applicant (One (1) name only)

This is the person nominated by the property owner/s above, to lodge this application with Council. Council will communicate only with the applicant during the assessment process. All requests for any additional information that may be required will be directed to the applicant. Any advice regarding the success or otherwise of the application, will be issued to the applicant.

(PLEASE PRINT)

Name..... Phone (BH).....

Facsimile.....e-mail address.....

Office/business address Phone (AH).....

Postal address (where you wish all correspondence to be posted to)

Council's identification (NAR) Address Number (if known)

Signature of applicant..... Mobile Ph.....

Required Attachments - DLEP / DCP application

Applicants are encouraged to speak to Council's Landuse Planners in the Integrated Planning Unit on the 9th floor of Council's Administration Building before preparing an application. A list of the minimum requirements for lodging an application with Council is also available. Please be aware that depending upon the development, and initial referrals within Council and to Government authorities/etc, additional information may be required at a later stage.

- A digital copy of the planning report and everything associated with the application in PDF format
- 10 paper copies of the planning report (referral to external authorities, etc)

PROPOSAL OUTLINE

(Note: supporting information is required for all applications for a DLEP)

DLEP

Current zoning.....

Zoning Sought.....

OR

Amendment Sought.....

DCP Sought for.....

SUPPORTING INFORMATION REQUIRED FOR SUBMISSION OF DRAFT LOCAL ENVIRONMENTAL PLAN APPLICATION

Before lodging a DLEP application reference should be made to the Department of Planning's DLEP requirements (see website www.planning.nsw.gov.au under 'Planning System' then 'Circulars, Practice Notes, Guidelines' then 'Planning System Circulars' practice notes and directions and in particular PS 06-013 pertaining to the information that is expected from a proponent in support of a rezoning request.

The following information provides a guide as to the type of information required to be submitted to assist the consideration by Council as to whether or not preparation of a draft local environmental plan should proceed. More detailed or specific information may be required at different stages, depending on the nature of the proposal and/or as required the Department of Planning's LEP Review Panel. Advice should also be sought from Council's landuse planners in relation to strategic directions and other relevant matters.

A guideline as to the information to be submitted is listed below:

- a a brief description of the locality of the proposal, including its character, the existing and previous land use, the existing zoning of the land and its surrounds
- b mapping information and photographs (including aerial where appropriate) to describe the land, its locality and the relationship with adjoining land uses
- c a concise but adequate outline of the proposal, including the changes required to the existing zoning or plan
- d compelling reasons for the proposed rezoning, including:
 - i policy and strategic context in terms of consistency with State policy/council strategy, public interest reasons and existing studies
 - ii compatibility with the surrounding zoning and land use patterns
 - iii implications of not proceeding with the proposal
 - iv where relevant, a supply and demand analysis to demonstrate the need for the proposal
 - v justification of the proposal in terms of the relevant LEP Panel pro-forma criteria
- e an identification of the key environmental issues of the land as understood at the time, including:
 - i soils and geological capability
 - ii biophysical environment, including natural vegetation and threatened species
 - iii the water cycle on the land and in the locality
 - iv natural hazards that may exist on the land
 - v cultural environment, including information on Aboriginal or European heritage
 - vi social or community issues, including housing, employment and economic environments
- f information to highlight for discussion any broader issues that may need attention or resolution.

LEP Pro-forma Evaluation Criteria

Category 1: Spot Rezoning LEP

- Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?
- Will the LEP implement studies and strategic work be consistent with State and regional policies and Ministerial (s.117) directions?
- Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?
- Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?
- Will the LEP be compatible/complementary with surrounding land uses?
- Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?
- Will the LEP deal with a deferred matter in an existing LEP?
- Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Category 2: Reclassification (Community and Operational Uses) LEP

- Is an associated spot rezoning occurring?
- Is the LEP to rectify an anomaly in classification?
- Will the LEP accord with the classification of adjoining land?
- Will the LEP be consistent with a plan of management (applicable to open space zonings)?
- Will the ownership of the land change within five years?
- Has a public hearing been held pursuant to the Local Government Act?
- Will open space be relinquished?

Category 3: Precinct LEP

- Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?
- Will the LEP be consistent with agreed centres and sub-regional planning policy for development in the area?
- Is the LEP located in a regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?
- Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?
- Will the LEP facilitate the provision of public transport?
- Will the LEP implement studies and strategic work consistent with State and regional policies?

Category 4: Policy LEP

- Will the LEP be consistent with agreed State Government strategic direction or policy for development (e.g. land release, industrial lands, strategic corridors, development within 800m of a transit node)?
- Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?
- Will the LEP implement studies and strategic work consistent with State and regional policies?

Category 5: Comprehensive LEP

- Will the LEP be consistent with and implement the Metropolitan Strategy or other approved regional and/or sub-regional strategies?
- Will the LEP implement the Standard Instrument LEP Order 2006?
- Does the anticipated timeframe for the LEP accord with the Department's advice to council on when a new principal LEP needs to be in place?
- What are the unique or new policies to be contained in the draft LEP?

Category 6: Surplus Government Lands (State or Local) LEP

- Is the land still in State or local government ownership?
- Has the land been declared surplus?
- Will the LEP be consistent with and implement approved State and/or regional strategies?
- Is the LEP located in a regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?
- Does the LEP (and subsequent development) have the ability to be used as a demonstration project to showcase the Metropolitan Strategy (or other regional strategy) environmental, urban design or sustainability objectives?
- Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

Note: It should be noted that the type and level of information submitted should be appropriate to the scale and significance of the rezoning that is sought. Council reserves the right to request additional information should the application be found to be lacking in detail, or to address any other matter of concern, or upon referral additional information is found to be required, or the Department of Planning's LEP Review Panel requires such. Any applications should also be supported by specialist consultant studies, maps, diagrams, etc as appropriate.