



**1. REZONING APPLICATION**

PLEASE TICK See Schedules 1 & 2 attached.

MAJOR LEP AMENDMENT  
MINOR LEP AMENDMENT

OTHER(specify) .....

**2. PROPOSAL**

ATTACH A COVERING LETTER OUTLINING THE PROPOSAL, LISTING THE SPECIFIC LEP AMENDMENTS REQUESTED AND REFERENCING THE SUPPORTING DOCUMENTATION.

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**3. PROPERTY DETAILS** Please print

LOT NO..... DP/SP.....SECTION .....

HOUSE/UNIT NO..... STREET/ROAD NAME .....

SUBURB ..... POSTCODE ..... AREA OF LAND .....m<sup>2</sup>

**4. CONSENT OF OWNER(S)**

All owners must sign consent. If signed on behalf of an owner's corporation or company, the COMMON SEAL must be stamped on this section (or attached hereto).

OWNER(S) FULL NAME(S) COMPANY NAME .....

ADDRESS .....

SUBURB ..... POSTCODE .....

PHONE (HOME) .....PHONE (WORK).....FAX.....

PHONE (MOBILE) .....EMAIL.....

AS OWNER(S) OF THE LAND TO WHICH THE APPLICATION RELATES, I/WE CONSENT TO THE MAKING OF THIS APPLICATION. I/WE ALSO GIVE CONSENT FOR AUTHORISED COUNCIL OFFICERS TO ENTER THE LAND TO CARRY OUT INSPECTIONS RELATING TO THIS APPLICATION.

SIGNATURE(S) Please print names under signature(s)

..... DATE .....

..... DATE .....

**5. APPLICANT'S DETAILS** Please print

NAME OF APPLICANT ..... PHONE (HOME) .....

ADDRESS ..... PHONE (WORK) .....

..... POSTCODE ..... PHONE (MOBILE) .....

SIGNATURE(S) Please print names under signature(s)

..... DATE .....

..... DATE .....

*Privacy Notification: The personal information you have supplied on this form assists Council Officers in determining your application. The supply of information is voluntary. If you do not provide all details requested, Council may be unable to process your application. Details you provide are stored at Council Offices and may only be made publicly available during any public notification process for this application, or upon formal request under Section 12 of the Local Government Act 1993 or the Freedom of Information Act 1989.*

## SCHEDULE 1

### GENERAL PROCEDURAL STEPS FOR MAKING AMENDMENTS TO THE ASHFIELD LOCAL ENVIRONMENTAL PLAN

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**1.0** *LEP amendment* application lodged with Council.

Council's town planner will provide an initial report to Council whose purpose will be to evaluate the town planning submission. A recommendation will be made as to whether Council should begin the process of making a *LEP Amendment*.

In the event of Council not agreeing to proceed with the application, the application will have been rejected.

In the event of Council agreeing to proceed, officers will commence the procedures required under the EPA Act, listed below.

**2.0** Exhibition of *draft LEP Amendment*.

Prior referral, if required, of *draft LEP Amendment* application to various public authorities. Report, if required, to Council as to whether to proceed with exhibition of a *draft LEP Amendment*.

Seek approval from (DOP) to exhibit the *draft LEP Amendment*.

Public exhibition of the *draft LEP Amendment*.

Report to Council. Council decides whether it wishes to continue the process of making the *draft LEP Amendment* law, which then requires the final approval of Department of Planning and the Minister.

**3.0** If Council wishes to proceed, a report supplied to Department of Planning requesting *draft LEP amendment* be made law.

**4.0** Gazettal of the *LEP Amendment*, subject to Department of Planning and Minister's consent.

## SCHEDULE 2

### ASHFIELD COUNCIL LEP AMENDMENT PROCEDURES

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#### **1.0 LOCAL ENVIRONMENTAL PLAN AMENDMENTS -GENERALLY**

These can comprise changes to the *Ashfield Local Environmental Plan's (LEP)* written clauses, including "rezoning" of land to allow new land uses.

It is axiomatic that any *LEP* amendment application requires for its justification sound town planning "arguments", and that this is demonstrated by providing a town planning study which includes all relevant town planning considerations. The *Environmental Planning and Assessment Act*, mentions the requirement for an "*Environmental Study*".

*LEP amendment* applications shall usually be considered by Council where there is a pre-existing Council town planning strategy for which they are relevant.

*LEP amendment* applications which are not relevant to any Council town planning strategy will generally not be supported, unless Council decides that they are warranted for specific reasons.

#### **2.0 MINOR APPLICATIONS -"SPOT LEP" AMENDMENTS**

These amendments are ones which affect "*stand alone sites*" and usually do not have any substantial external impacts.

Generally Council does not support any "*spot LEP amendments*" unless they are warranted for specific reasons and are backed up by cogent planning arguments.

Sound town planning arguments are required for any "*spot LEP amendment*" application. Any town planning proposal must justify their "planning claims" by providing detailed explanations of their "grounds" and "warrants", which is a normal professional requirement. Relevant town planning matters will vary for each circumstance, and it is the responsibility of the applicant's town planner to explain these requirements to his or her client, and to adequately address this matter.

#### Council Procedural Fees

Please refer to Council's Schedule of Fees and Charges for the current application fee. This covers the procedural matters shown in *Schedule 1* which include reporting of the matter to Council, and following the EPA Act procedures leading to gazettal of the LEP.

The application fee does not cover "*additional LEP work*" required to be made by Council to bring a LEP amendment proposal to a form which can be supported by Council.

After considering an initial report, in the event Council does not agree to progress the *LEP amendment* application (and so does not agree to advertise a draft LEP amendment), a 50% refund of the LEP application fee will be made.

#### **3.0 MAJOR LEP AMENDMENTS**

A "*Major LEP*" amendment is one which has a larger scope to that of a "*spot LEP*" amendment, and is of a more complex nature.

Sound town planning arguments are required for any application for a "*Major LEP Amendment*", in the normal professional terms set out above for "*Spot LEP*" amendments. This will require a town planning study. This will necessitate a methodology which addresses holistically all relevant matters, including a proposal's externalities. Relevant matters will vary for each circumstance, and it is the responsibility of the applicant's town planner to explain this to his or her client, and or, to identify areas where additional professional expertise is required. For example, *development feasibility, community consultation, urban design*. It is prudent to have engaged in a "Pre Application" meeting to address this issue.

#### Council Procedural Fees

The application fee covers the procedural matters shown in *Schedule 1* including the initial reporting of the matter to Council, requesting an instruction on whether to proceed with the process of making a draft LEP. After considering an initial report, in the event Council does not agree to progress the LEP application (and so does not agree to advertise a draft LEP amendment), a 50% refund of the LEP application fee will be made.

### Council fees for additional work.

The procedural application fee does not cover the following additional work:

- Construction of written clauses for *major LEP amendments*, drafts of which should be provided by the applicant's town planner.
- Work required by Council to make major amendments to the written content of any complex *LEP amendment* proposals, to bring them to a form which can be supported by Council.
- Work for acquiring additional town planning information which is absent from an applicant's town planning study.
- Town Planning Study produced by Council.
- Production of ancillary Development Control Plans or Master Plans (these might be required to provide more certainty as to the development outcomes that would arise from an *LEP amendment*).
- Additional advertising including newspaper advertisements, letter notifications and internet web page advertisements.
- Community Consultation, such as setting up special consultation procedures and consultative panels.

No refund of fees for "additional work" shall be given by Council.

### Council Town Planning Study and Fees

These may be required where there is insufficient town planning information supplied with a rezoning application, and Council resolves to undertake a town planning study, and is considered "additional work".

The *Residential Flat Design Code*, which is referenced by *State Environmental Planning Policy No 65*, also has a requirement for carrying out various architectural design studies prior to the making of new planning controls.

Council fees for town planning analysis will be determined on a case by case basis. Costs for carrying out studies include, but are not limited, to the following: locality analysis, feasibility studies, community consultation and provision of meeting facilities, design analysis, built form and landscape computer modeling, report writing, use of external consultants or additional temporary staff, various administrative matters, documentation and reporting of the process and project coordination. Costs for carrying out a town planning study are likely to be considerable. Prior to commencing the town planning study, the applicant will be expected to have paid for the cost of the work as estimated by Council officers, based on an agreed program of works. No refund of fees for "additional work" shall be given by Council.

## **4.0 PRE - APPLICATION PUBLIC CONSULTATION PROCESS**

The EPA Act has procedures which include exhibition of an *LEP Amendment* in order to have a *LEP Amendment* examined by the public, and after exhibition, for Council to evaluate whether it wishes to proceed to the gazettal of an *LEP*. However, after exhibition, should an *LEP amendment* have to be substantially altered in order to be supported by Council, the process must recommence. This means that considerable resources may have been wasted by the applicant. This can be overcome by having a "*Pre- Application Public Consultation Process*". The bulk of this process work will be carried out by the applicant at his cost, with Council officers offering any minor assistance which facilitates the public consultation process.

The *Pre- Application Consultation Process* would be carried out on a "without prejudice" basis to Council and involve the following being carried out by the applicant:

- Meeting with Council Officers: This would involve obtaining officers opinion on the range of town planning matters to consider.
- Community Consultation: This would involve exhibition of any proposal by the applicant and the applicant receiving community feedback. It is a process which is supported by the State Government's handbook for community consultation, called "*Community Engagement in the NSW Planning System*". The work done would be at the applicant's cost.
- Detailed reporting of the consultation processes by the applicant.
- Preliminary feedback from Council officers.

After the above had been completed, the applicant would decide whether to lodge a rezoning application or otherwise.