

1. What is my first step in making an application to amend the LLEP?

The first thing to do is talk to a strategic planner in Council's Planning & Growth Department. These officers will advise you whether your application is likely to be supported by Council. Staff are generally available during office hours, but for important or complex proposals it is best to make an appointment by ringing 9821 9500.

2. What is an LEP amendment and what effect does it have?

An amendment to the Liverpool Local Environmental Plan 2008 is a legal town planning process which, when complete, alters the range of activities permissible on a site. This may increase or decrease the range of permissible uses for the property.

3. How much does an LEP amendment or DCP amendment cost?

Rezoning and DCP Amendment Fees can be found in Council's Fees and Charges (Pricing and Revenue Strategy)

4. What information must I submit with my application to amend the LEP or DCP?

Your application must include two (2) copies printed and one (1) CD digital copy of the following information:

- Written consent from the owner of the property;
- Details of the property (including address, Lot and Deposited Plan number);
- A survey plan of the property drawn to scale (eg. 1:1000, 1:500);
- Details of any activities you wish to carry out on the property;
- Details of the use of surrounding properties and how your application might affect these properties (including issues such as traffic, noise, privacy, access etc);
- What impact (if any) the loss of the existing use of the site will have;
- An analysis of how the application would comply with any relevant aims and objectives contained in both the Liverpool Local Environmental Plan 2008 and Council's Development Control Plan 2008;
- Details of any substantial public benefit that would result from your proposal (examples of this could include a corner store in a residential area where there is no shopping centre for several kilometres or a private recreation complex such as swimming pools or tennis courts in an area where there are no such facilities);
- A concept plan showing how the site might be redeveloped if the LEP amendment was successful (plan at a scale suited to the nature of the proposal);
- Related necessary information (for example in some instances traffic studies, commercial / retail viability analysis, ecological assessments for threatened species, noise analysis);

- The fee (this is subject to change annually and you should check with Council before you lodge your application);
- The completed application form.

Additional copies of the above information may be required if the application needs to be referred to external bodies.

5. Are all applications to amend the LEP & DCP approved by Council?

No. Council does not approve every application, some are refused. If the application is not considered it will be refused. A percentage of your fee may be refunded at this stage.

6. What can I do if my application is refused?

In the interests of fairness and accountability, there are two review mechanisms available which allow an independent body to review some decisions by councils and NSW Planning & Infrastructure.

- **Pre-Gateway reviews:** You may request a Pre-Gateway review if Council either, does not support, or does not indicate support of an application within 90 days, to amend the Liverpool Local Environment Plan 2008. These reviews are informed by advice from JRPP's. A review may be requested up to 40 days after Council you that your application is not supported.
- **Gateway reviews:** You may request a Gateway review following a Gateway determination by NSW Planning & Infrastructure, but before community consultation has commenced. These reviews are also informed by advice from the JRPP.

NSW Planning and Infrastructure will then undertake an assessment as to whether the review application has "strategic merit" or has "site-specific merit and is compatible with surrounding land uses" based on certain criteria set out in "A Guide to Preparing Local Environmental Plans and on the advice provided by the JRPP.

7. If my rezoning is refused will my fee be refunded?

A partial refund may be available if the application is withdrawn before the Council makes a decision on it, or if Council resolves not to submit the draft LEP to NSW Planning & Infrastructure.

8. What is the relevant legislation?

A rezoning, or more correctly an amendment of Council's Local Environmental Plan 2008, is an action under the Environmental Planning and Assessment Act, and must be carried out in accordance with this Act.

9. What is the role of the public in the rezoning process?

Council will, in line with the Gateway Determination, seek public input. Council will place an advertisement in the newspaper advising the community of the exhibition and notify in writing those residents and property owners it thinks may be affected by the draft Local Environmental Plan. Council must take into consideration submissions from the public when it makes its decision whether or not to proceed with the amendment.

10. What is meant by a Substantial Public Benefit?

An amendment has a substantial public benefit if:

- When, compared to any of the range of activities presently permitted on the site, the proposal will result in an improved physical, social and economic environment not only for the subject site but for its the surrounding environment and Liverpool Local Government Area as a whole, and
- the application satisfies Council's assessment criteria.

11. What matters do Council consider when determining your application? (Assessment Criteria)

- Council considers the following matters when it determines LEP amendment applications:
- the objectives of the Environmental Planning and Assessment Act;
- the relevant heads of consideration for development applications (as detailed under Section 79C of the EP&A Act);
- any relevant State or Regional environmental policies, circulars or Ministerial directions;
- the relevant visions, mission statements, aims and outcomes contained in the Liverpool Council Community Strategic Plan and Operational Plan;
- the relevant objectives of the Liverpool Local Environmental Plan 2008;
- the objectives of Liverpool Development Control Plan 2008;
- any relevant non-statutory planning document adopted or exhibited by Council (eg Strategic plans, codes, concept plans and the like);
- any precedent that may be set as a result of the proposed amendment;
- any cumulative impact that may result across the City as a result of the application being followed by other applications;
- any relevant experience with similar proposals or circumstances applying in other LGA's;
- Appraisal of any other alternative zoning and planning controls for the site that may be appropriate (ie other than the current zone or the zone being proposed).

12. Should I use a town planning consultant?

An LEP amendment application needs to include some very detailed information. To ensure your application is comprehensive Council strongly recommends you employ a qualified town planner to prepare your proposal. Town Planners are listed under Town and Regional Planning in the Yellow Pages. Your town planner or Council's planner will advise you whether other specialist advice may be necessary.

INFORMATION FOR APPLICANTS FOR AMENDING THE LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

What are the key steps in considering an application to amend the LLEP 2008 once it has been received by Council?

