

# DEVELOPMENT APPLICATION

Made under section 78A of the Environmental Planning and Assessment Act 1979

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Office Use Only

DA No 10567/10

Date Received 28/9/10

### PRE-LODGE MENT

- Pre lodgement discussion with staff is recommended
- Discuss your proposal with your neighbours prior to design or lodgement
- Carefully read the checklist and guide in this form and ensure that all required information and documentation is provided with your application

### LODGE MENT

- All information required by the check list must be submitted with this application
- Incomplete applications or illegible information will not be accepted by Council
- All fees are to be paid at the time of lodgement
- Please make an appointment to lodge your application. You may be delayed for an unspecified time if no appointment is made

### PUBLIC INSPECTION

- All documents lodged with this development application including this form will be available for public access at Council's offices and on Council's website

### LOCATION OF THE PROPOSAL

Address 13A OCEAN ROAD PALM BEACH (Lot 1 DP 121833)

PLEASE ENSURE DETAILS OF ALL LAND PARCELS ARE STATED ABOVE

### PROPOSAL

Dwelling House Alterations and Additions

PLEASE PROVIDE DETAILED DESCRIPTION OF PROPOSAL

ADDITIONAL LEVEL TO EXISTING 2 STOREY DWELLING, EXTENDED FIRST FLOOR DECK TO EASTERN + NORTHERN FACADES OF DWELLING, ALTERATIONS & ADDITIONS TO EXISTING GROUND + UPPER LEVEL INCLUDING NEW DOUBLE GARAGE, MINOR EXCAVATION + LANDSCAPE WORKS

Does the proposal involve development below mean high water? (if YES the written consent of the Crown is required)

YES  NO

WHAT IS THE ESTIMATED COST OF THE PROPOSAL \$ 677,915

Please print out and complete the 'Estimated Cost of Construction Calculation Sheet' and attach to this application

Note: The estimated cost is the value of the works. It is the cost which would be incurred if a contractor carried out the works. This estimate must be supported by an actual quote contract price or independent estimate prepared by a suitably qualified person where a variation from Council's estimate of costs is sought

### STATE ENVIRONMENTAL PLANNING POLICY No 1 - DEVELOPMENT STANDARDS

Is a SEPP 1 objection required to vary a development standard?

YES  NO

Note: If YES details need to be provided in the Statement of Effects identifying the development standard to be varied and the grounds for your objection



**STATUTORY REQUIREMENTS**

The questions on this page will only apply to a small number of development applications

The information to be shown on the Statement of Environmental Effects guide and the Counter Acceptance Checklist will assist you in determining if any of the following apply to your application

An additional set of plans and documentation and a cheque for \$250 will be required for each referral agency

**INTEGRATED DEVELOPMENT**

Is this application for integrated development?

YES  NO

Integrated development is development that requires licences or approvals from other Government Authorities  
Most forms of development will not be integrated Please see attached checklist for further information

Please tick appropriate boxes and circle relevant section

Fisheries Management Act 1994 s144 s201 s205 s219  
Cheque for \$250 made payable to Department of Primary Industries

Heritage Act 1997 s58  
Cheque for \$250 made payable to Department of Planning Heritage Branch Advertising required

National Parks and Wildlife Act 1974 s90  
Cheque for \$250 made payable to Department of Environment and Climate Change

Protection of the Environment Operations Act 1997 ss43(a) 47&55 ss43(b) 48&55 ss43(d) 55&122  
Cheque for \$250 made payable to Department of Environment and Climate Change Advertising required

Roads Act 1993 s138  
Cheque for \$250 made payable to Roads and Traffic Authority

Rural Fires Act 1997 s100B  
Cheque for \$250 made payable to NSW Rural Fires Service

Water Management Act 2000 s89 s90 s91  
Cheque for \$250 made payable to Department of Water and Energy Advertising required

**DEVELOPMENT REQUIRING CONCURRENCE (Other than Integrated Development)**

Does this application require the concurrence of other government authorities?

YES  NO

Certain development requires the concurrence of other Government Authorities  
Most forms of development will not require concurrence Please see attached checklist for further information

Please tick appropriate boxes

SEPP Infrastructure s100  
Cheque for \$250 made payable to Roads and Traffic Authority

Note This concurrence may be required if the land is subject to a 9(d) Arterial Road Reservation An item will appear in the attached checklist if this reservation applies to your land

Environmental Planning and Assessment Act 1979 No 203 s79B(3)  
Cheque for \$250 made payable to Department of Environment and Climate Change Advertising required

Note This concurrence would be required if your proposal is likely to significantly affect a threatened species population or ecological community or its habitat

**DESIGNATED DEVELOPMENT**

Is your proposal Designated Development?

YES  NO

Note An Environmental Impact Statement is required for designated development

Examples of designated development being

- Licensed clubs and hotels as per Pittwater Local Environmental Plan clause 24 and Schedule 7 or
- Development described in Environmental Planning and Assessment Regulation 2000 section 4 and Part 1 of Schedule 3

LIST OF DOCUMENTS ACCOMPANYING THE APPLICATION

GEOTECHNICAL INVESTIGATION - GEOTECHNIQUE PTY LTD AUGUST 2010  
STRUCTURAL LETTER IN SUPPORT OF DA - TALL ENGINEERS  
COASTAL PROTECTION REPORT - AJK DESIGN AUGUST 2010  
STATEMENT OF ENVIRONMENTAL EFFECTS - STZ ARCHITECTURE + PLANNING  
ARCHITECTURAL DRAWING SET - STZ ARCHITECTURE + PLANNING  
BASIX CERTIFICATE NO A93095

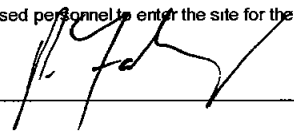
PRIVACY POLICY

The following information is required under the Environmental Planning and Assessment Act and Regulation to process your application  
Your information would compse part of a public register related to this purpose The information will be kept by Council and will be disposed of in accordance with the  
Local Government Disposal Authority  
You are entitled to review your personal information at any time by contacting this Council

OWNER This section must be signed by ALL owners

I/we consent to the lodgement of this application and permit Council authorised personnel to enter the site for the purpose of inspections

Signature(s)



Print Name(s)

PAMELA R FARNEM

- If the property has recently been purchased written confirmation from the Purchaser's Solicitor must be provided
- If contracts have been exchanged for purchase of the land the current owner is to sign the form
- If signed on behalf of a Company the seal must be stamped over the signature where a seal is required
- If the land is below mean high water mark the written consent of the Crown is required
- If the written consent is not signed by all owners of the property this application will not be accepted

APPLICANT DETAILS (please print)

For contact during application processing

Name/Company RACHAEL HEMMING (OR) PETER SMITH / SMITH + TZANNES ARCHITECTURE + PLANNING

Address PO BOX 240, ALEXANDRIA NSW 1435

E-Mail Contact Details psmith@s-tz.com.au

Phone (02) 9699 1600 Daytime Contact No ( ) 0403 269191

POLITICAL DONATIONS AND GIFT DISCLOSURE DECLARATION

Under section 147(4) of the Environmental Planning and Assessment Act 1979 (the Act ) a person who makes a relevant planning application to a council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within a period commencing 2 years before the application is made and ending when the application is determined

- a all reportable political donations made to any local councillor of that council
- b all gifts made to any local councillor or employee of that council

Note For more information about your obligations please refer to the Department of PLanning website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) under Development Assessments/Donation and gift disclosure

Note Political Donations and Gift Disclosure Statements can be obtained from Customer Service Centres or Council's website [www.pittwater.nsw.gov.au/council/council\\_publications/Council\\_Forms](http://www.pittwater.nsw.gov.au/council/council_publications/Council_Forms)



THIS PAGE STAFF USE ONLY

STAFF USE	FEE SCHEDULE	FEE	GST	RECEIPT NO	DATE
<input checked="" type="checkbox"/> DEVELOPMENT APPLICATION	TDEV	2036	78		
<input type="checkbox"/> COMPLYING DEVELOPMENT	TCOM				
<input type="checkbox"/> SUBDIVISION FEE	TSUB				
<input type="checkbox"/> DESIGNATED PROCESSING FEE (\$715)	TDEV				
<input type="checkbox"/> INTEGRATED PROCESSING FEE (\$110)	TDEV				
<input type="checkbox"/> CONCURRENCE PROCESSING FEE (\$110)	TDEV				
<input type="checkbox"/> SEC 96 MODIFICATION	TMOD				
<input type="checkbox"/> SEC 82A RECONSIDERATION	TREC				
<input type="checkbox"/> ADVERTISING (Designated \$1665/Other \$830)	TADV				
<input checked="" type="checkbox"/> NOTIFICATION	TADV	200			
<input checked="" type="checkbox"/> SIGN FEE	NODP	38			
<input checked="" type="checkbox"/> IMAGE SCANNING	RMIC	115			
<input type="checkbox"/> LONG SERVICE LEVY	QLSL				
<input type="checkbox"/> STREET LEVELS	ESTR				
<input checked="" type="checkbox"/> ROAD RESERVE	HKER	300			
<input type="checkbox"/>					
	TOTAL	2689	78		

SCAN STAMP

REGISTRATION STAMP

R- 288988 28/9/10

ADVERTISING AND NOTIFICATION FEE EXPLANATORY NOTE

In accordance with section 252 of the Environmental Planning and Assessment Regulation 2000 the following development applications will be advertised

- Designated Development Fee \$1665
- Integrated Development under the Water Management Act/Hentage Act/Protection of the Environment Operations Act Fee \$830
- Development requiring concurrence regarding threatened species critical habitat etc Fee \$830
- SEPP Seniors Living/Multi Unit Housing/Shop Top Housing/Residential Flat Buildings Fee \$830

In accordance with Council's Development Control Plan Pittwater 21 DCP all development applications are publicly notified to adjoining neighbours and interested community groups Fee \$200

DEVELOPMENT APPLICATION ACCEPTANCE CHECKLIST

Council staff will complete the following Acceptance Checklist on lodgement of the application This process is carried out to

- 1 Ensure that the application includes the relevant information to facilitate assessment of the proposal
- 2 Identify the State Authorities to which the Application may need to be referred
- 3 Identify the Areas of Council to which an internal referral is required

Applicants should note that this is a preliminary assessment of the information submitted with the application and that ALL information to be submitted as clearly specified in the Pittwater 21 DCP is to be included with the application at the time of lodgement

The application assessment process will involve a detailed appraisal of the information submitted with the application Where incomplete information is provided assessment of the application will be subject to the STOP THE CLOCK provisions of the legislation while the required information is obtained

Failure to provide the required "Information to be Submitted" as outlined through the **Pittwater 21 DCP www.pittwater.nsw.gov.au** in a satisfactory form is most likely to result in delay or refusal of the application

Counter Acceptance Checklist

**SEPP No 71 Coastal Protection**

SEPP 71 Coastal Protection applies to the proposed development as the site is within the coastal zone  
Has the application addressed the requirements of SEPP 71 in the statement of environmental effects?

**OFFICE USE Referral to Director General of Dept of Planning**

Any development that lies below Mean High Water Mark (including jetties ramps and pontoons) must be referred to the Director General of the Department of Planning within 2 days of receipt of the application



**EPA Act Section 147 Disclosure of political donations and gifts**

Where required has the applicant provided a Political donations and gifts disclosure statement form duly completed?



**SEPP (Building Sustainability Index BASIX) 2004**

A BASIX Certificate issued by the Department of Infrastructure Planning and Natural Resources is to be provided



**B3 1 Landslip Hazard**

- A report and certified forms as set out in Councils Geotechnical Risk Management Policy for Pittwater are to be provided



**B8 1 Construction and Demolition Excavation and Landfill**

Where significant excavation is proposed as outlined in control B8 1a report and certified forms as set out in Councils Geotechnical Risk Management Policy for Pittwater are to be provided

**Note This requirement only applies when**

- Excavation greater than 1 metre deep the edge of which is closer to a site boundary or structure to be retained on the site than the overall depth of the excavation, and/or
- Any excavation greater than 1.5 metres deep below the existing surface and/or
- Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property and/or
- Any landfill greater than 1.0 metres in height, and/or
- Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils. An Applicant may elect not to provide this information however should Councils assessment process deem that it is required the assessment of the application will be suspended while this information is sought and provided



**B5 3 Greywater Reuse**

N/A

An on-site greywater management study prepared by an appropriately qualified wastewater consultant is to be submitted to Council for assessment.

The planning and design of any greywater treatment scheme for disposal and/or reuse shall be undertaken by suitably qualified consultants and shall be guided by the National Guidelines for Water Recycling Managing Health and Environmental Risks (Natural Resource Management Ministerial Council et al November 2006) related publications and the referenced guidelines



**B5 4 Stormwater Harvesting**

Development to which this control applies is required to submit a Water Management Plan

The Water Management Plan must be accompanied by supporting assessment reports and documentation relevant to the proposed Stormwater Harvesting and Reuse Scheme. The supporting assessment reports and documentation must be prepared by an appropriately qualified professionals

The planning and design of any stormwater harvesting and reuse scheme shall be undertaken by suitably qualified consultants and shall be guided by Managing Urban Stormwater Harvesting and Reuse Department of Environment and Conservation 2006 and related publications

The design for the stormwater harvesting and reuse scheme is to be certified by a suitably qualified and experienced Water Engineer and is to be submitted with the Water Management Plan and any accompanying assessment reports and documentation



**B5 2 Wastewater Disposal**

Where connection to the Sydney Water Sewage System cannot be achieved an on-site waste water management study is to be provided



**B1 2 Heritage Conservation - Items in the vicinity of a heritage item, heritage conservation areas, archaeological sites or potential archaeological sites**



This site has been identified as being in the vicinity of a heritage item or conservation area.

Has the potential impact of the proposal on the heritage item or area been addressed in the Statement of Effects?

NOTE: If you need assistance in identifying the nearby heritage item please contact Council's Assistant Development Officers on 9970 1674

### B3 3 Coastline (Beach) Hazard

- A report prepared by a suitably qualified National Professional Engineers Registered NPER engineer with coastal engineering as a core competency is to be provided including relevant forms signed



### B3 22 Flood Hazard Flood Category 3 - All Development

If after reading control B3 22 you establish the property could be considered Category 3

- A report prepared in accordance with the requirements set out in Flood Risk Management Policy for Development in Pittwater contained in Appendix 8 is to be provided

(Please note that during assessment of your application Council staff will determine whether the property is to be dealt with as Category 3. This may result in additional information being sought which could delay the determination of your application.)



### B4 3 Flora and Fauna Habitat Enhancement Category 2 Land

The relevant requirements for information to be submitted for the control as it relates to the natural environment are to be provided with the application. (See information to be submitted for details)



### B5 7 Stormwater Management - On Site Stormwater Detention

Development identified as requiring on-site detention where the proposed works increase the hard surface areas by greater than 50sqm will require a submission of the on-site detention proposal to be included in a Water Management Plan



### B5 8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings

Dwelling houses and dual occupancy properties identified as requiring stormwater quality improvement measures where proposed works increase the built upon areas by 50 square metres or more requires a stormwater management plan showing the stormwater quality improvement measures. (This can be shown on the site plan or ground floor plan)



### B5 10 Stormwater Discharge into Public Drainage System

Development identified as requiring stormwater discharge into a Public Drainage System will require a submission of the proposal to be included in an Integrated Water Management Plan



### B5 12 Stormwater Drainage Systems and Natural Watercourses

Development identified as requiring Stormwater Drainage Easements Stormwater Drainage System and Natural Watercourses will require a submission of the proposal to be included in an Integrated Water Management Plan



### B6 1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy

- Access driveway profiles obtained
- For driveways accessing main roads written advice from the RTA that they approved the driveway should be provided
- For all access driveways that propose to use other than Normal-High or Normal-Low profiles variation to Councils controls suspended driveways or retaining walls or where there is no kerb and gutter or other works on the public road reserve written advice of approval (Section 139 Approval) by Councils Urban Infrastructure Unit of the proposed driveway should be provided
- For existing driveways which are to be retained which have a gradient greater than 25% certification by an NRPE Registered Engineer in regard to safety is required
- An applicant may elect not to provide this information however should Councils assessment process deem that it is required then the assessment of the application will be suspended while this information is supplied



### B6 3 Internal Driveways - Dwelling Houses and Dual Occupancy

For existing driveways which are to be retained which have a gradient greater than 25% certification by an NRPE Registered Engineer in regard to safety is required



### C1 1 Landscaping

A landscaping plan needs to be provided unless the proposal does not involve changes to the external appearances or increase the footprint of an existing building and /or does not cause any substantial changes to the visual character of the site (as a guide a landscape plan is required the works will disturb more than 50m of the site)



### C1 4 Solar Access

- Information on shadow effected on adjoining properties and any self shadows Minimum Scale 1 200 (this can be shown on the site plan) The outline of the existing/proposed and adjoining buildings (where they fall within the shadowed area) and the shadow cast by existing trees on the adjoining properties are to be shown
- The outline of the shadow cast by the proposed building during the winter solstice at 9am 12 noon and 3pm is to be shown If the proposal involves demolition of an existing building indicate the shadow cast by that building and the new building



### C1 9 Adaptable Housing and Accessibility

- An Access Report must be provided from an accredited access adviser for substantial new development. (Does not apply to Single Dwellings or Dual Occupancies)



### D12 1 Character as viewed from a public place

For proposed developments having a value greater than \$350 000 a photo montage is to be provided for proposed developments having a value greater than \$1 000 000 a model is to be provided

N/A  
(PHOTOMONTAGE)



### D12 3 Building colours and materials

- A colour and materials sample or scheme is to be provided

(PHOTOMONTAGE/  
SEE)



### 3 2 Submission of a Statement of Environmental Effects

A Statement of Environmental Effect is required to accompany all applications  
For Designated Development an Environmental Impact Statement is required

For on-line applications the electronic form is to be completed under the **Outcomes** section for each control Additional Statement of Environmental Effects documents are **not to be uploaded**

For all other applications see below

The Statement of Environmental Effects should provide information in the form of a written statement, which assesses the proposal in terms of the site and surrounding properties The statement must detail the ways in which negative consequences or impacts of the proposal can be minimised and should include the following

- A site description (current use aspect, slope, vegetation)
- The site details (address Lot No /DP No etc)
- A description of the proposed development
- An identification of the type of development (i.e. complying development, local development, integrated development, designated development)
- A brief discussion and identification of the zoning of the land identifying that the proposal is a permissible development of the site
- An analysis of the bulk and scale of proposed structures & impact of the proposed development on surrounding properties
- Reference should be made to
  - Bulk & scale of building
  - Height
  - Front side & rear setbacks (refer to surrounding setbacks and any established defacto building lines)
  - Retaining structures
- The Statement of Environmental Effects should also include the information outlined as required to be addressed in the Statement of Environmental Effects for each of the relevant controls that applies to the proposed development on the nominated site



### 3 3 Submission of supporting documentation Site Plan / Survey Plan / Development Drawings

Survey plan (6 copies required)

- A plan prepared by a Registered Surveyor which identifies all existing site features and existing ground levels (minimum scale 1 100)
- The Plan should show all relevant information including the location of easements Restrictions on Use of Land areas affected by covenants etc together with boundary dimensions
- 1m contour intervals relating to a fixed datum point based on the Australian Height Datum (AHD)
- All trees (including trunk diameters heights and spreads) rock features the adjacent road including all drainage structures kerb lines centre line street trees and the location of services
- The outline of buildings with floor level on and immediately adjoining the site together with floor levels and ridge heights and the location of doors and windows where a privacy and view line issues may become an issue
- The location of any watercourses or drainage structures and pipelines contained within or near to the site
- The survey plan should also include all other information required to be submitted in accordance with each relevant control applying to the proposed development on the nominated site

Site Plan(s) (6 copies required) A plan view of the site showing the existing and proposed buildings including the following information

- North point and all boundary dimensions of the site
- Location of all easements rights of way and areas affected by covenants
- All existing / proposed buildings and hard surface structures (driveways pathways etc) on the site and proposed setbacks and distances to boundaries proposed additions to existing buildings are to be clearly identified by cross hatching shading or otherwise
- The site plan is to clearly indicate the location of trees together with their canopy spread and identify trees to be removed and those to be retained
- Site Plan(s) should also include all other information required to be submitted in accordance with each relevant control applying to the proposed development on the nominated site

Development drawings (6 copies required)

Floor Plans

- Floor Plans (an aerial view of the room layout on all levels or storey's minimum scale 1 100)





- North point shown
- Site boundaries shown
- Room dimensions and uses shown
- Location and dimension of all windows doors and walls including wall thicknesses

The development drawings shall incorporate a statement prepared by the designer confirming that the proposed works have been designed so that when constructed they can comply with the Building Code of Australia

Elevations (6 copies required) (a view of all sides of the building and site profile minimum scale 1:100)

- All relevant elevations detailed and identified i.e. (North South etc) with the proposed additions clearly identified
- In particular elevations as viewed from adjoining areas of public domain are to be shown
- Existing / proposed ground levels and all floor to ceiling heights
- Reduced levels to Australian Height Datum (AHD) shown for all roof levels floors ceilings for the existing and proposed buildings and those on adjoining sites
- Street levels to be shown AHD
- Roof profile materials colour roof pitch and eaves widths are to be shown
- The outbuildings on the site and adjoining sites are to be shown

Sections (6 copies required) (a cut through of the view of the building and / or site minimum scale 1:100)

- The outline of the existing and / or proposed building showing all dimensions including roof pitch
- All sections are to be labelled and cross labelled back to where they occur on the floor plan and elevations
- Along section through the driveway from the kerb line (or edge of road formation) to the garage or parking floor area is to be provided driveway cross section are required at the front boundary where cut / fill depths exceed 0.5 metres otherwise where cut / fill depths exceed 1 metre
- Construction details for walls floors windows doors ceiling roof frames types of footings etc

The development drawings should also include all other information required to be submitted in accordance with each relevant control applying to the proposed development on the nominated site

### 3.4 Notification

- Twelve sets of notification plans including site plans elevations showing all proposed works in colour are to be submitted They must be A4 or A3 size with all features and dimensions and notations clearly shown and legible
- The notification plans are to show the overall height and external appearance of the proposal relative to the existing finished ground levels as well as existing buildings on the site and on adjacent land
- All dimensions and notations on the notification plans must be clearly legible
- For Section 96 Modifications the notification plans are to clearly indicate (using highlighter pen or the like) any proposed modifications to the original development application The applicant shall provide Council with a comprehensive list of all proposed modifications for notification purposes

### 4.5 Integrated Development Aboriginal Objects and Places

N/A

Are there any works proposed that may knowingly destroy deface or damage an aboriginal object or place?

If YES then the application is integrated development

Integrated development under Section 90 of National Parks and Wildlife Act 1974

- Has the relevant Integrated Development referral been noted on the development application form and in the statement of effects?
- A cheque for \$250 made payable to the Dept Environment and Climate Change is required at the time of lodgement.
- An additional set of plans and documentation are required for referral

### 4.7 Integrated Development - Roads

Does the proposal involve digging up or disturbing the surface including the removing or interfering with a structure work or tree within the road or road reservation?

If YES and the property has a frontage to a classified road (being Barrenjoey Road Beach Road Palm Beach (to Palm Beach Road) Mona Vale Road Pittwater Road or Wakehurst Parkway) it will require referral to the RTA to obtain their concurrence (Section 138 (2) Roads Act 1993)

No integrated referral fee required

Note It is not Integrated Development as Council is the approval authority for all roads within Pittwater local government area (See section 91(3) of the EP&A Act 1979)

### 5.3 Referral to NSW Department of Environment and Climate Change (DECC)

N/A

Is the development on land that is or is a part of critical habitat, or is the development likely to significantly affect a threatened species population or ecological community or its habitat?

If YES then it must be referred to the Director-General of NSW Department of Environment & Climate Change together with information under s79B(5) being

- Any species impact statement that accompanied the development application.
- Any assessment report prepared by the consent authority
- Any submissions received concerning the development application
- Any relevant recovery plan or threat abatement plan
- Whether the development proposed is likely to reduce the long-term viability of the species population or ecological community in the region
- Whether the development is likely to accelerate the extinction of the species population or ecological community or place it at risk of extinction
- The principals of ecologically sustainable development (as described by section 6(2) of the Protection of the Environment Administration Act 1991
- The likely social and economic consequences of granting or of not granting concurrence

A cheque for \$250 made payable to the Dept. Environment and Climate Change will be required  
Advertising fee required

# Political donations and gifts disclosure statement



Office use only

Date received \_\_\_\_/\_\_\_\_/\_\_\_\_

Planning application no \_\_\_\_\_

This form may be used to make a political donations and gifts disclosure under section 147(4) and (5) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to a council

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form Also refer to the Glossary of terms provided overleaf (for definitions of terms in *italics* below)

Once completed please attach the completed declaration to your planning application or submission

## Explanatory information

### Making a planning application to a council

Under section 147(4) of the Environmental Planning and Assessment Act 1979 ( the Act ) a person who makes a *relevant planning application* to a council is required to disclose the following *reportable political donations and gifts* (if any) made by any *person with a financial interest* in the application within the period commencing 2 years before the application is made and ending when the application is determined

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council

### Making a public submission to a council

Under section 147(5) of the Act a person who makes a *relevant public submission* to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any *associate of that person* within the period commencing 2 years before the submission is made and ending when the application is determined

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council

A reference in sections 147(4) and 147(5) of the Act to a reportable political donation made to a local councillor includes a reference to a donation made at the time the person was a candidate for election to the council

### How and when do you make a disclosure?

The disclosure 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 application or submission if the donation or gift is made before the application or submission is made or
- (b) if the donation or gift is made afterwards in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made

### What information needs to be in a disclosure?

The information requirements of the disclosure are outlined in the Act under section 147(9) for political donations and section 147(10) for gifts

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the relevant information requirements for disclosures to a council

Note A separate Disclosure Statement Template is available for disclosures to the Minister or the Director-General of the Department of Planning

**Warning** A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows or ought reasonably to know was made and is required to be disclosed under section 147 The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part. Note The maximum penalty is currently 200 penalty units (currently \$22 000) or imprisonment for 12 months or both

## Glossary of terms (under section 147 of the *Environmental Planning and Assessment Act 1979*)

**gift** means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* Note A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration

Note Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows

**gift** means any disposition of property made by a person to another person otherwise than by will being a disposition made without consideration in money or money's worth or with inadequate consideration and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration

**local councillor** means a councillor (including the mayor) of the council of a local government area

**relevant planning application** means

- a) a formal request to the Minister a council or the Director General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site or
  - b) a formal request to the Minister or the Director General for development on a particular site to be made State significant development or declared a project to which Part 3A applies or
  - c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project) or
  - d) an application for development consent under Part 4 (or for the modification of a development consent) or
  - e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application
- but does not include
- f) an application for (or for the modification of) a complying development certificate or
  - g) an application or request made by a public authority on its own behalf or made on behalf of a public authority or
  - h) any other application or request that is excluded from this definition by the regulations

**relevant period** is the period commencing 2 years before the application or submission is made and ending when the application is determined

**relevant public submission** means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application

**reportable political donation** means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part Note Reportable political donations include those of or above \$1 000

Note Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows

### 86 Meaning of reportable political donation

- (1) For the purposes of this Act a reportable political donation is
  - (a) in the case of disclosures under this Part by a party elected member group or candidate—a political donation of or exceeding \$1 000 made to or for the benefit of the party elected member group or candidate or
  - (b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1 000
    - (i) made by the major political donor to or for the benefit of a party elected member group or candidate or
    - (ii) made to the major political donor
- (2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party elected member group candidate or person within the same financial year (ending 30 June) would if aggregated constitute a reportable political donation under subsection (1)
- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would if aggregated constitute a reportable political donation under subsection (1) This subsection does not apply in connection with disclosures of political donations by parties
- (4) For the purposes of subsection (3) parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election

**a person has a financial interest** in a relevant planning application if


- a) the person is the applicant or the person on whose behalf the application is made or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange) or
- d) the person has any other interest relating to the application the site or the owner of the site that is prescribed by the regulations

**persons are associated with each other** if

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission) or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation or
- d) they have any other relationship prescribed by the regulations

# Political Donations and Gifts Disclosure Statement to Council

If you are required under section 147(4) or (5) of the Environmental Planning and Assessment Act 1979 to disclose any political donations or gifts (see page 1 for details) please fill in this form and sign below

Disclosure Statement Details		Planning application reference (e.g. DA number, planning application title or reference, property address or other description)			
Name of person making this disclosure statement <b>PAMELA FAHEY</b>					
Person's interest in the application (circle relevant option below)					
You are the APPLICANT <input checked="" type="radio"/> YES / NO		You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO			
<b>Reportable political donations or gifts made by person making this declaration or by other relevant persons</b>					
* State below any reportable political donations or gifts you have made over the relevant period (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN)					
If you are the applicant of a planning application state below any reportable political donations or gifts that you know or ought reasonably to know were made by any persons with a financial interest in the planning application OR					
If you are a person making a submission in relation to an application state below any reportable political donations or gifts that you know or ought reasonably to know were made by an associate					
Donation or gift?	Name of donor (or ABN if an entity) or name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor address of person who made the gift or entity's address	Name of party or person for whose benefit the donation was made, or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift
Please list all reportable political donations and gifts—additional space is provided overleaf if required					
By signing below I/we hereby declare that all information contained within this statement is accurate at the time of signing					
Signature(s) and Date		 - 2/9/2010			
Name(s)		PAMELA R FAHEY			

Cont

### Political Donations and Gifts Disclosure Statement to Council

Donation or gift?	Name of donor (or ABN if an entity) or name of person who made the gift	Donor's residential address or other official address of the donor or person who made the gift or entity's address	Name of party or person for whose benefit the donation was made or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift