



Date received:

Reference No.

LODGEMENT

Instructions to users

This form is to be completed if you wish to request an independent review related to plan-making under Part 3 of the Environmental Planning and Assessment Act 1979.

A pre-Gateway review can be sought before a planning proposal has been submitted to the Department of Planning and Infrastructure (department) for a Gateway determination and in the following circumstances:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported; or
b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

Before lodging a request for review, it is recommended that you consult the Planning Circular 'Delegations and 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.

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.

The department may request further information if your request for review is incomplete or inadequate.

All requests must be lodged with the department's relevant Regional Office. Please refer to 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

MARIAN

Family name

HIGGINS

Name of company (N/A if an individual)

FABCOT CI - THE PLANNING GROUP

Street address: Unit/street no. Street name

Suburb/town State Postcode

Postal address (or mark 'as above'): PO Box or Bag Suburb or town

State Postcode Daytime telephone Fax

Email Mobile

marian.higgins@tpgnsw.com.au

0988 221 082

**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      17-19      SMITH STREET

Suburb/town      State      Postcode  
CHATSWOOD      NSW      2067

NAME OF THE SITE  
17-19 SMITH STREET CHATSWOOD.

REAL PROPERTY DESCRIPTION  
LOT 101 DP 714 477

*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  
REFER TO ATTACHED LETTER

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  
A(B) LIGHT INDUSTRIAL ZONE / IN2 ZONE

CURRENT LAND USE AT THE SITE  
VACANT CAR SERVICE CENTRE

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

**B1 – Reason for Pre-Gateway Review and the Relevant Planning Authority (RPA)**

Indicate below the reason for seeking a pre-Gateway 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**
- The council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.**

Indicate below whether the request to prepare a planning proposal was submitted to the council prior to November 2012?

- Yes      Date: 17 July 2012
- 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  
WILLOUGHBY

CONTACT DETAILS OF THE RELEVANT OFFICER AT RPA / COUNCIL  
ALBA WOODHAMS

## B2 – The Proposed Instrument

### DESCRIPTION OF PROPOSED INSTRUMENT

ENABLE 'SUPERMARKET' AS PERMISSIBLE USE IN ZONE

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

WILLOUGHBY LEP 1995 / WILLOUGHBY DRAFT LEP 2009

IS THE LEP TO BE AMENDED (ABOVE) A STANDARD INSTRUMENT LEP?

- Yes  
 No

### INFORMATION REQUIREMENTS

Pre-Gateway review requests will not be expected to be supported by as much information as what would be required for a planning proposal. However, requests must be accompanied by sufficient information to support and justify the request. Please refer to 'A guide to preparing local environmental plans' for the necessary information requirements.

Information requirements will differ from case to case. However, all requests must be accompanied by:

- site plan
- location plan
- zoning map(s)

### INFORMATION PROVIDED

List below all the documents, maps, plans, studies, information and any other supporting information that comprises your proposed instrument and request for pre-gateway review.

REFER TO LETTER WITH ATTACHED INFORMATION

## PART C – PAYMENT, DISCLOSURE AND SIGNATURES

### C1 – Application Fees

You are required to pay an initial fee of \$5,000 so that the department can undertake an initial assessment together with other associated administrative tasks relating to your pre-Gateway review request.

Please note that further fee payments shall be required should your proposed instrument qualify for review. Further details can be found within 'A guide to preparing local environmental plans'.

Payment methods:

- Cheque / bank order

### C2 – Donation and Gift Disclosure

Section 147 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 or the Director-General of a *reportable political donation* or gift under section 147 of the Act is to be made:

- in, or in a statement accompanying, the relevant planning submission if the donation is made before the submission is made, or
- 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 147(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/donation-and-gift-disclosure](http://www.planning.nsw.gov.au/donation-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)

MARIAN WILLIAMS

In what capacity are you signing

APPLICANT

Date

21/11/2012

# Political donations disclosure statement



NSW GOVERNMENT  
Department of Planning

Office use only:

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

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

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning and Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

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 or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any *person with a financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

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

The disclosure to the Minister or the Director-General of a *reportable political donation* 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 is made before the application or submission is made, or
- (b) if the donation 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 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 147(9) of the Act.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

**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 Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details				
Name of person making this disclosure		Planning application reference (e.g. DA number, planning application title or reference, property address or other description)		
RICHARD ARMITAGE - WOOLWORTHS PTY LTD		17-19 SMITH STREET, CHATSWOOD.		
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT <input checked="" type="radio"/> YES / NO OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO				
Reportable political donations made by person making this declaration or by other relevant persons				
<p>* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2), if the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).</p> <p>* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</p> <p>* If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.</p>				
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
SEE ATTACHED	DOCUMENTATION			
<i>Please list all reportable political donations—additional space is provided overleaf if required.</i>				
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				
Name(s)				

Cont...

**Political Donations Disclosure Statement to Minister or the Director-General**

Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation



### Woolworths Limited – Disclosable Payments to Political Parties since 2009/10

Name of donor	Donor's residential address	Name of party or person for whose benefit the donation was made	Date donation made	Amount / value of donation
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Function with Minister for Employment Participation	21/07/2009	\$2,500
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Business Forum</i>	8/9/2009	\$4,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) State Conference Business Observer	9/11/2009	\$4,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Millennium Forum Membership</i>	4/12/2009	\$11,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Business Dialogue Executive Partner 09/10	9/2/2010	\$13,750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Function with NSW Premier	9/2/2010	\$2,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Countdown to Change Function</i>	17/3/2010	\$3,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Business Dialogue Executive Partner 10/11	7/5/2010	\$13,750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Function with Fed Shadow Minister Finance and Debt Reduction</i>	8/5/2010	\$500
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Function with Federal Treasurer	14/5/2010	\$2,500
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Function</i>	19/5/2010	\$750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	National Party of Australia (NSW Branch) National Engagement Program	19/5/2010	\$9,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	National Party of Australia (NSW Branch) Function with Shadow Treasurer	30/6/2010	\$1,000

Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>Function with Leader of Opposition</i>	27/07/2010	\$750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>Stand Up for Australia Supporters Dinner</i>	16/08/2010	\$2,750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>Function with Shadow Minister for Finance</i>	19/08/2010	\$1,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>2010 Business Forum</i>	17/09/2010	\$10,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	National Party of Australia (NSW Branch) National Engagement Program	25/11/2010	\$11,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>Millennium Foundation Sponsorship</i>	6/12/2010	\$11,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	National Party of Australia (NSW Branch) Function	7/12/2010	\$200
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Business Dialogue	28/6/2011	\$5,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Country Labor Party (NSW Branch) Country Business Forum Membership	28/6/2011	\$4,000

**Disclosure Period – 1/7/09 – 31/12/09**

**Annexure A**

<b>Date of Donation</b>	<b>Donor Recipient</b>	<b>Address</b>	<b>ABN</b>	<b>Amount of Value or Donation</b>	<b>Monetary (M) or Gift(G)</b>
4/12/2009	Liberal Party of Australia (NSW Division) <i>Millennium Forum Membership</i>	9th Floor, 140 William Street, East Sydney NSW	68 324 857 904	\$11,000	M
8/9/2009	Liberal Party of Australia (NSW Division) <i>Business Forum</i>	9th Floor, 140 William Street, East Sydney NSW	68 324 857 904	\$4,000	M
21/07/2009	Australian Labor Party (NSW Branch) <i>Function with Minister for Employment Participation</i>	9 <sup>th</sup> Floor, 377-383 Sussex Street, Sydney NSW	36 192 855 036	\$2,500	M
9/11/2009	Australian Labor Party (NSW Branch) <i>State Conference Business Observer</i>	9 <sup>th</sup> Floor, 377-383 Sussex Street, Sydney NSW	36 192 855 036	\$4,000	M

**Annexure A**  
**Donor to Political Party Return - Woolworths Limited – NSW Electoral Commission**  
**Financial year 2009-2010**

<b>Date of Donation</b>	<b>Donor Recipient</b>	<b>Address</b>	<b>Amount of Value or Donation</b>	<b>Donation Code</b>
17/3/2010	Liberal Party of Australia (NSW Division) <i>Countdown to Change Function</i>	9th Floor, 140 William Street, East Sydney NSW	\$3,000	M
8/5/2010	Liberal Party of Australia (NSW Division) <i>Function with Federal Shadow Minister Finance and Debt Reduction</i>	9th Floor, 140 William Street, East Sydney NSW	\$500	M
19/5/2010	Liberal Party of Australia (NSW Division) <i>Function</i>	9th Floor, 140 William Street, East Sydney NSW	\$750	M
9/2/2010	Australian Labor Party (NSW Branch) <i>Business Dialogue Executive Partner 09/10</i>	9 <sup>th</sup> Floor, 377-383 Sussex Street, Sydney NSW	\$13,750	M
9/2/2010	Australian Labor Party (NSW Branch) <i>Function with NSW Premier</i>	9 <sup>th</sup> Floor, 377-383 Sussex Street, Sydney NSW	\$2,000	M
14/5/2010	Australian Labor Party (NSW Branch) <i>Function with Federal Treasurer</i>	9 <sup>th</sup> Floor, 377-383 Sussex Street, Sydney NSW	\$2,500	M
7/5/2010	Australian Labor Party (NSW Branch) <i>Business Dialogue Executive Partner 10/11</i>	9 <sup>th</sup> Floor, 377-383 Sussex Street, Sydney NSW	\$13,750	M
19/5/2010	National Party of Australia (NSW Branch) <i>National Engagement Program</i>	5 <sup>th</sup> Floor, 30 Carrington Street, Sydney NSW	\$9,000	M
30/6/2010	National Party of Australia (NSW Branch) <i>Function with Shadow Treasurer</i>	5 <sup>th</sup> Floor, 30 Carrington Street, Sydney NSW	\$1,000	M

**Annexure A**  
**Donor to Political Party Return - Woolworths Limited – NSW Electoral Commission**  
**Financial year 2010-2011**

Date of Donation	Donor Recipient	Address	Amount of Value or Donation	Donation Code
27/07/2010	Liberal Party of Australia – NSW Division <i>Function with Leader of Opposition</i>	Level 9 140 William Street East Sydney NSW 2011	\$750	M
16/08/2010	Liberal Party of Australia – NSW Division <i>Stand Up for Australia Supporters Dinner</i>	Level 9 140 William Street East Sydney NSW 2011	\$2,750	M
19/08/2010	Liberal Party of Australia – NSW Division <i>Function with Shadow Minister for Finance</i>	Level 9 140 William Street East Sydney NSW 2011	\$1,000	M
17/09/2010	Liberal Party of Australia – NSW Division <i>2010 Business Forum</i>	Level 9 140 William Street East Sydney NSW 2011	\$10,000	M
25/11/2010	National Party of Australia (NSW Branch) <i>National Engagement Program</i>	5th Floor, 30 Carrington Street, Sydney NSW	\$11,000	M
7/12/2010	National Party of Australia (NSW Branch) <i>Function</i>	5th Floor, 30 Carrington Street, Sydney NSW	\$200	M
6/12/2010	Liberal Party of Australia – NSW Division <i>Millennium Foundation Sponsorship</i>	Level 9 140 William Street East Sydney NSW 2011	\$11,000	M
28/6/2011	Australian Labor Party (NSW Branch) <i>Business Dialogue</i>	9th Floor 377-383 Sussex Street, Sydney NSW	\$5,000	M
28/6/2011	Country Labor Party (NSW Branch) <i>Business Dialogue</i>	9th Floor 377-383 Sussex Street, Sydney NSW	\$4,000	M