

Application for Voluntary Surrender of Consent or Existing Use Right

Planning, Environment & Development Group

Environmental Planning and Assessment Act 1979 s4.17 (5); s4.63

Environmental Planning and Assessment Regulation 2000, cl 97

Guidance

Use this form to apply to voluntarily surrender a consent, in whole or in part, including a voluntary surrender arising from a development consent condition. This form may also be used to voluntarily surrender an existing use right.

Surrender does not take effect until Council has notified the applicant in writing in accordance with the Environmental Planning and Assessment Regulation 2000.

Guidance for completing this application can be found within the [Planning, Environment & Development Group HUB](#) located on Council's website.

- All documents submitted with this application must be listed on the [Transmittal Sheet](#).
- The application must be submitted in accordance with the Electronic Lodgement Guidelines.

1 Application type

<input type="checkbox"/>	Surrender of Development Consent – whole
<input type="checkbox"/>	Surrender of Development Consent – partial
<input type="checkbox"/>	Surrender of Existing use right
<input type="checkbox"/>	Modification of Existing use right

2 Applicant details

Company Name *(if applicable)*:

ABN / ACN:

Position:

Mr Mrs Ms Other (specify):

First Name:

Last Name:

Email:

Note: At least one contact phone number must be supplied.

Office use only

Related Policies: Legislative requirement

Issue Date: 10/12/2018

Review Date: 31/10/2019

Owned by (section): Development



Mobile:	Home:	Business:
Postal Address Shop /Unit / Street No.:		
Street Name:		
Suburb / Town / Village / Locality:		
State:	Postcode:	

3 Development site – location and title details

Lot:	DP:	Section (where relevant):
Portion No:	Parish:	
Unit / Street No:	Street name:	
Suburb:	Postcode:	

An inspection of the property may be required. Detail the contact person for Council to arrange access:
 Applicant Owner Other (e.g. tenant / real estate):
If you have selected Other provide Name: _____ Phone: _____

List any access issues e.g. dog onsite, locked gates:

4 Development Consent to be surrendered – in whole or in part

Development Application Number:	<input type="checkbox"/> N/A
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Date of Determination:

Fully describe the development approval to be surrendered either in whole or in part:

5 Development status

Has the development the subject of the development consent commenced?	<input type="checkbox"/> No <input type="checkbox"/> Yes
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If yes, describe that part of the development that has commenced and been carried out in compliance with any condition of the consent, or any agreement with the consent authority that is relevant to that part of the development:

6 Existing Use Right to be surrendered

Is this an application to surrender or modify an existing use right? No Yes

If yes, fully describe the existing use right to be surrendered or modified:

7 Registered owners' details and consent

As the owner(s) of the above property, I/we consent to lodgement of this application and to the voluntary surrender of the development consent/existing use right described above.

Owner First Name: Last Name:

Owner Signature:

Date:

Company Name (if applicable):

ABN / ACN (if applicable):

Position (if owner is a company):

If there is more than one owner, add additional owner(s) details.

Owner First Name: Last Name:

Owner Signature:

Date:

Owner First Name: Last Name:

Owner Signature:

Date:

Owner First Name: Last Name:

Owner Signature:

Date:

8 Disclosure of political donations and gifts

Under Section 10.4 of the Environmental Planning and Assessment Act 1979, any reportable political donation to a Councillor and/or any gift to a Councillor or Council employee within a two (2) year period before the date of this application must be publicly disclosed.

Have you, or are you aware of any person having a financial interest in the application, made a 'reportable political donation' or 'gift' to a Councillor or Council employee within a two (2) year period before the date of this application?

Failure to disclose relevant information is an offence under the Act. It is also an offence to make a false disclosure statement.

Applicant: No Yes

Owner(s): No Yes

If you have answered Yes to this question you must complete a [Political Donation and Gifts Disclosure Statement](#) and lodge it with this application.

If you have answered No to this question by signing this application, you undertake to disclose to Council in writing within seven (7) days any 'reportable political donation' or 'gift' made after lodgement of the application and prior to its determination.

9 Conflict of interest

To ensure transparency in Council's decision-making process and to avoid potential conflicts of interest, you must make a declaration as to whether you, the landowner and/or anyone with a financial interest in the application is a Council employee or Councillor or is related to a Council employee or Councillor.

Applicant: No Yes

Owner(s): No Yes

If you have answered Yes to this question, you must provide details including names and relationship:

10 Applicant's declaration

I apply to voluntarily surrender the development consent/existing use right described in this application. If the development has commenced, as required by clause 97(3)(e)(ii) of the Environmental Planning and Assessment Regulation 2000, I confirm that the surrender will not have an adverse impact on any third party or the locality.

I declare that all the information relating to this application and identified on any associated plans or documents is, to the best of my knowledge, true and correct;

I understand that if there is insufficient information or documentation provided at lodgement, the application may be delayed, rejected or may result in a request for additional information;

I understand that I am responsible for obtaining all necessary clearances from the copyright owner of any documents prior to submission of this application;

I acknowledge that these documents may be made available to the public; appear on a public register; and/or appear on Council's website as required by law and in accordance with relevant Council policies. The land owner has been advised accordingly.

Applicant signature:

Date:

Important information

Public Access to information

Pursuant to the *Government Information (Public Access) Act 2009* (GIPA Act) Council is required to make certain information publicly available, including by way of publication on public registers and on

its website. Information submitted on and with this form may be made available to the public, unless there is an overriding public interest against disclosure of this information. Council is obliged to make information available on its website excluding the following:

- the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected; or
- commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

Privacy

The personal information that Council is collecting from you on submission of this form is personal information for the purposes of Section 10 of the *Privacy and Personal Information Protection Act 1998*. The intended recipients of the personal information are officers within the Council and third parties for the purpose of assessing the application as well as any person wishing to inspect the application in accordance with the *Local Government Act 1993* or the GIPA Act. The personal information may also be included on a public register and displayed on Council's website. The supply of personal information by you is voluntary. However, if you cannot provide or do not wish to provide the information required, Council will be unable to process your application. You may make application for access to, or amendment of, information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the relevant legislation. Enquiries concerning this matter can be addressed to Council by telephoning (02) 4229 3111

Lodgement details

You can lodge the completed application by

Email: council@shoalhaven.nsw.gov.au or

In person: Council offices at Bridge Rd, Nowra or Deering St, Ulladulla.

Once your application is received, a Council Officer will contact you if further information is required.