

Application to modify a development consent



NSW GOVERNMENT
Department of Planning

Date lodged: ____/____/____

DA modification no. _____
(Office use only)

1. Before you lodge

This form is to be used for applications to modify Part 4 development consents under section 96 or 96AA of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This form is also to be used for Part 4 development consents that are to be modified under section 75W of the Act.

Disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

Anyone wishing to lodge an application is recommended to call the Department of Planning to discuss their proposal and modification application requirements prior to lodging their application. You can lodge your completed form, together with attachments and fees at the relevant Department of Planning office listed below. Please lodge Part 4 modification applications with the Department of Planning head office or, for modification applications that are within the Kosciuszko ski resorts area, the Department's Alpine Resorts team.

NSW Department of Planning
Head Office
Ground Floor, 23–33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
Phone: 1300 305 695 Fax: (02) 9228 6555
Email: information@planning.nsw.gov.au

NSW Department of Planning
Alpine Resorts Team
Shop 5A, Snowy River Avenue
PO Box 36, Jindabyne NSW 2627
Phone: (02) 6456 1733 Fax: (02) 6456 1736
Email: alpineresorts@planning.nsw.gov.au

To minimise delay in receiving a decision about your application, please ensure you submit all relevant Information to the Department. When your application has been assessed, you will receive a notice of determination.

2. Applicant and contact details

Company/organisation/agency		ABN	
Hillgrove Mines Pty Ltd		40 102 660 506	
☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other			
First name		Family name	
Peter		Hosking	
STREET ADDRESS			
Unit/street no.	Street name		
51	Brackin St		
Suburb or town	State	Postcode	
Hillgrove	NSW	2350	
POSTAL ADDRESS (or mark 'as above')			
130 Brackin Street			
Suburb or town	State	Postcode	
Hillgrove	NSW	2350	
Daytime telephone	Fax	Mobile	
02 6776 3100			
Email			
phosking@hillgrovemines.com.au			

3. Property description

Unit/street no. (or lot no. for Kosciuszko ski resorts)

130 Brackin St

Street or property name

Hillgrove Mine

Suburb, town or locality

Hillgrove

Postcode

2350

Local government area

Armidale Dumaresq

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma e.g. 123/579, 162/2.

as per Table 1 in Environmental Assessment

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the NSW Department of Lands for updated details. If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

4. Details of the original development consent

Briefly describe your approved development in the space below. If the development has been modified previously you must list all previous modifications and the relevant determination date(s).

Operation of Hillgrove Mine including the construction of a processing plant, haul roads and tailings storage facility.

What was the original development application no.?

S98/00802

What was the date consent was granted?

18 November 1998

What was the original application fee?

TBD

5. Type of modification

An application under section 96 of the EP&A Act is an application to modify a development consent. Modifications to a development consent can also be made under section 75W of the EP&A Act, or section 96AA for court granted consents.

There are five types of modification applications. Please tick the type of modification application that is being sought:

- ☐ Section 96(1) involving minor error, misdescription or miscalculation.
- ☐ Section 96(1A) involving minimal environmental impact, where the development as originally approved remains substantially the same.
- ☐ Section 96(2) other modification, where the development as originally approved remains substantially the same.
- ☐ Section 96AA modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same.
- ☒ Section 75W modification, involving use of Part 3A processes to modify the Part 4 consent.

Note: If the proposed modification will lead to the consented development being not 'substantially the same' (except in the case of a proposed modification under section 75W) then you will need to submit a new development application.

6. Extent of modification

Will the modified development be substantially the same as the development that was originally approved?

No ☐ Please submit a new development application.

Yes ☐ Please provide evidence that the development will remain substantially the same. (If you need to attach additional pages, please list below the material attached).

Note: Question 6 does not apply to proposed modifications under section 75W.

7. Description of modification

- In the case of a section 96(1) application, indicate the nature of the minor error, misdescription or miscalculation in the space below.
- In the case of a section 96(1A), section 96(2) or section 96AA application describe the impact of the modification in the space below. A statement of environmental effects will need to accompany the application, which includes an assessment of the development as proposed to be modified in accordance with section 79C(1) of the EP&A Act. Provisions of the *Heritage Act 1977* may also apply for works to a heritage item or works adjoining a heritage item.
- In the case of a section 75W application under clause 8J(8) of the Environmental Planning and Assessment Regulation 2000, a development consent in force immediately before the commencement of Part 3A of the Act may be modified under section 75W as if the consent were an approval under that Part. However, approval from the Minister is required to lodge a section 75W application. **Applicants should contact the Department first if they are considering applying for a modification under section 75W.**

Regardless of the type of modification, please state below the specific conditions of consent to be modified, deleted or additional conditions request, and details of any other changes being sought.

Condition 4 is to be substituted with a condition which clearly prescribes the period of time during which mining operations may be carried out.

Note: If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

8. General terms of approval from State agencies

If the original development application was classified as integrated development and required approval from one or more State agencies, list them in the space below and their respective general terms of approval. Depending on the type of modification, it may be necessary to refer the modification application to the approval body.

As per Development Consent - Schedule 2

9. Number of jobs to be created

Please indicate the number of jobs the proposed development will create. This should be expressed as a proportion of full time jobs over a full year, (e.g. a person employed full time for 6 months would equal 0.5 of a full time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full time for 2 weeks, which equals approximately 0.08 of an FTE job).

Construction jobs (full time equivalent)

N/A

Operational jobs (full time equivalent)

100

10. Application fee

Part 15 of the Environmental Planning and Assessment Regulation 2000 sets out how to calculate the fees for an application for modification of a development consent. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not.

Please contact the Department in order to calculate the fee for your modification application.

Estimated cost of the development

Nil

Original application fee

TBD

Total fees lodged

11. Political donation disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes ☒

No ☐

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

12. Owner's consent

The owner(s) of the land to be developed must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. **An original signature must be provided.**

As the owner(s) of the above property, I/we consent to this application:

Signature

Name

Date

Signature

Name

Date

Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than the owner is required.

13. Applicant's signature

The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).

Signature

Date

In what capacity are you signing if you are not the applicant

Name, if you are not the applicant

14. Privacy policy

The information you provide in this application will enable the Department, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be made available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.

Disclosure of Political Donations for a Major Political Donor for the year ending 30 June 2014

Please refer to the Funding and Disclosure Guide for Political Donors when completing this form.

Lodgement Date

This disclosure form must be completed and lodged by no later than **20 October 2014**.
Penalties apply for failing to lodge a valid disclosure or for late lodgements.

Disclosures and Enquiries

Disclosures and Enquiries should be addressed to:
Election Funding Authority

Mail: GPO Box 4046, Sydney NSW 2001

Fax: (02) 9290 5410 Email: enquiries@efa.nsw.gov.au Tel: 1300 022 011

Collection and Availability of Information

The information collected on this form is in accordance with the provisions of the *Election Funding, Expenditure and Disclosures Act 1981*. Pages 2-3 of the "Disclosure of Political Donations and Electoral Expenditure for a Major Political Donor" form will be published on the Election Funding Authority's website (www.efa.nsw.gov.au).

Checklist

Please ensure you have completed all details and enclosed the necessary documents to accompany your disclosure.

- ☒ Donor details included
- ☒ Declaration is completed and signed
- ☒ All parts of the disclosure are completed, for those parts where you have nothing to disclose you must tick the 'NO' box
- ☐ A photocopy has been made of the completed disclosure before lodging with the Authority

Definitions

Reportable Political Donation - A reportable political donation is a single donation of \$1,000 or more (or multiple donations from one donor in one financial year that total \$1,000 or more) to the same NSW candidate, group of candidates, elected member, political party or third-party campaigner.

Major Political Donor - Means an individual (not being an elected member or candidate) who makes a reportable political donation of or exceeding \$1,000.

Disclosure of Political Donations for a Major Political Donor for the year ending 30 June 2014



Donor Details

This form must be completed by the person or entity who made the donation, ie the person or entity whose name appears on the credit card or cheque used to make the donation or the person or entity who was issued a receipt or acknowledgement slip for a monetary or non-monetary (in-kind) donation.

DONOR SURNAME		DONOR GIVEN NAME		DONOR DATE OF BIRTH	
HILGROVE MINES PTY LTD		102 660 506		REGISTERED BUSINESS NUMBER I.E. ABN/ACN	
ENTITY NAME (REGISTERED BUSINESS NAME OF ENTITY)					
51 BRACKIN STREET					
ENROLLED ADDRESS OF INDIVIDUAL OR REGISTERED BUSINESS ADDRESS OF ENTITY					
HILGROVE					
SUBURB					
NSW	2350	02 6776 3100	p.wintford@hilgrovemines.com.au		
STATE	POSTCODE	DAYTIME PHONE NO	EMAIL		

Note: Silent Electors - Individuals who are enrolled as a silent elector on the electoral roll should contact the Election Funding Authority for advice on completing this form.

Donor Declaration

I, <u>Paul Wintford</u>	on behalf of	<u>HILGROVE MINES PTY LTD</u>
DONOR NAME/AUTHORISED PERSON (ENTITY)		DONOR ENTITY NAME (if applicable)
declare that all donations made during the disclosure period have been disclosed, and the information contained in this disclosure and any attachments is true and correct.		
<u>[Signature]</u>		<u>23/10/14</u>
SIGNATURE OF POLITICAL DONOR (OR AUTHORISED PERSON ON BEHALF OF ENTITY)		DATE

Period to be Covered in this Disclosure

<u>1 JULY 2013</u>	<u>30 JUNE 2014</u>
DISCLOSURE PERIOD COMMENCES	DISCLOSURE PERIOD ENDS

OFFICE USE ONLY

RECEIVED BY	FILE NO
	<u>Hilgrove Mines Pty Ltd</u>

Disclosure of Political Donations for a Major Political Donor for the year ending 30 June 2014



Major Political Donor Name HILLGROVE MINES PTY LTD

Part A: Reportable Political Donations Made - General (Not made at a Fundraising Function or Venture)

A reportable political donation is a single donation of \$1,000 or more (or multiple donations from one donor in one financial year that total \$1,000 or more) to the same NSW candidate, group of candidates, elected member, political party or third-party campaigner.

Reportable political donations include:

- Money made to or for the benefit of a NSW political party, a state or local government candidate or group of candidates, a local government councillor, Member of Parliament or Third-Party Campaigner.
- A gift or service at no charge or at a charge less than the value of the gift or service made to a NSW political party, a state or local government candidate or group of candidates, a local government councillor, Member of Parliament or third-party campaigner. You are not required to disclose any donations that were made for the sole purpose of a Federal election*.

Did the donor make any reportable political donations to a NSW political party, a state or local government candidate or group of candidates, a local government councillor, Member of Parliament or third-party campaigner during the period covered by this disclosure?

Note: Reportable political donations made at a fundraising function or venture are to be disclosed in Part B of this disclosure.

☒ YES Enter the details below.

☐ NO Proceed to Part B

Date Donation was made	Name of NSW Political Party, Candidate, Group, Elected Member or Third-Party Campaigner your donation was made to	Receipt No. Received	Amount or Value of Donation (\$)	Gift Type (Monetary/ Non-Monetary)	*Purpose (State/LG/Admin)
Eg. 01.06.12	XYZ Party	300010	\$1250.00	Monetary	LG - Local Government
5/5/14	LIBERAL PARTY OF AUSTRALIA, NSW DIVISION	5532	\$5500	MONETARY	STATE
TOTAL			\$ 5,500		

If more space is required please attach an additional list in the same format