

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Modification No. _____

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

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

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

ABN

BREAKFAST POINT PTY LTD

088 841 203

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

RAY

Family name

KEARNS

Position

DEVELOPMENT MANAGER

STREET ADDRESS

Unit/street no.

51

Street name

RILEY ST

Suburb or town

WOOLLOOMOOLOO

State

NSW

Postcode

2011

POSTAL ADDRESS (or mark 'as above')

AS ABOVE

Suburb or town

State

Postcode

Daytime telephone

Fax

Mobile

Email

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

1-3 ROSEWATER CIRCUM

THE SILKSTONE

Suburb, town or locality

Postcode

BREAKFAST POINT

2137

Local government area(s)

State/Electorate(s)

CANADA BAY

REAL PROPERTY DESCRIPTION

52 / 270347

Note: 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 Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows:

CONSTRUCTION OF 1 BUILDING OF 5 STOREY HEIGHT ABOVE 2 LEVELS OF BASEMENT PARKING. THE BUILDING OCCURS IN A LANDSCAPE SETTING. IT WILL CONTAIN 45 DWELLINGS WITH 73 RESIDENT + 9 ON STREET VISITOR CAR SPACES. STRATA SUBDIVISION FOR 45 STRATA TITLE LOTS.

What was the original project application no.?

What was the date of the approval?

What was the original application fee?

MP 08-0026

23 NOV 2008

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

REFER ATTACHED SCHEDULE 1.

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$ 0

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

0

Operational jobs (FTE)

0

NIL
ADDITIONAL
TO ORIGINAL
APPROVAL

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

52/270347

Signature



Name

STUART ROSE

Date

13.2.09

Land

Signature

Name

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

☒ Yes

☐ No

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

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



Name

RAY KEARNS

Date

13.2.09

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

Name, if you are not the proponent

SCHEDULE 1

MP 08 0026 Condition	Amendment Requested under this S75W Application	Comments
B2 Disabled Access Access & facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.	B2 Disabled Access Access for people with disabilities shall be provided in accordance with AS1428 parts 1&4. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.	<i>Part D3 does not apply to Class 2 buildings, so the condition does not require anything to be done.</i> <i>The revised wording is similar to Canada Bay Council wording applicable to earlier projects. To comply with this, requirements were generally limited to providing access to the main entry lobby, having the lifts comply with AS1735.12 and providing tactile indicators at ramps etc.</i> <i>On Silkstone, the current design provides for access to the main entry & the lift shafts will accommodate complying lifts. The only parts of AS1428 that should be applicable are parts 1 & 4.</i>

B4 Height & Density GFA Calculation A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the Plantations Precinct development does not exceed 6,194m² in accordance with the definition of GFA in Canada Bay LEP 2008. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction certificate for above ground works.	B4 Height & Density GFA Calculation Prior to the issue of a Construction certificate for above ground works a Registered Surveyor is to certify the Gross Floor Area (GFA) in accordance with the definition of GFA in Canada Bay LEP 2008. Details shall be provided to the Certifying Authority demonstrating the total GFA for the development does not substantially exceed 6,194m²	<i>The drawings approved under the development consent are preliminary only. Through design development further development of the building design will be required to ensure compliance with the relevant codes and standards. The current development consent wording does not provide tolerance for any minor increases in GFA which may occur as a result of compliance with relevant codes and standards.</i>
B8 Accessways / Car Park and Service Vehicle Layout 5. The layout of the car park shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking. Parking provision for people with disabilities shall be in accordance with AS 1428.1. All parking spaces are to be line marked.	B8 Accessways / Car Park and Service Vehicle Layout 5. The layout of the car park shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking.	<i>There are no adaptable apartments within the Silkstone building. Accordingly no off street disabled parking has been provided for within the development. Visitor parking is on street as per the Concept Plan 2005</i>
B8 Accessways / Car Park and Service Vehicle Layout 6. Facilities for secure parking for motorcycles and push bikes shall be provided.	B8 Accessways / Car Park and Service Vehicle Layout 6. Facilities for secure parking for push bikes shall be provided.	<i>There is no requirement under the Concept Plan 2005 for additional off street parking for motorcycles. Sufficient off street parking has been provided to allow owners to park motorcycles in their car spaces provided. Parking for private vehicles has been provided for in accordance with Concept Plan 2005</i>

B8 Accessways / Car Park and Service Vehicle Layout 7. The layout of any service vehicle area shall comply with Australian Standards AS2890.2 2002 Off Street Parking Part 2 – Commercial Vehicles Facilities	Delete this condition.	<i>Regular access by service vehicles is not normally required in residential developments and no service vehicle areas are provided.</i> <i>Garbage service is from the kerbside.</i> <i>Removalists' vehicles are infrequent and are too large to be reasonably accommodated off street.</i>
B8 Accessways / Car Park and Service Vehicle Layout 8. Details are to be provided of a security parking system in order to allow vehicles to be queued within the development.	Delete this condition	<i>Not relevant. Expected traffic volumes do not warrant the application of such systems (refer Colston Budd Hunt & Kafes reports provided with the project application). nResidents will have remote control access to the basement car parking.</i>
D8 Dust Control Measures 1. Continuous air monitoring, to the satisfaction of the Certifying Authority, should be carried out at the site boundary to measure dust and asbestos.	D8 Dust Control Measures 1. Regular air monitoring to measure dust at the site boundary should be carried out to the satisfaction of the Certifying Authority.	<i>The requirement for monitoring asbestos is not applicable to this new development.</i> <i>The land upon which the building is to be constructed has been remediated and signed off by the Site Auditor.</i>
F1 Occupation No building in the Silkstone Precinct shall be occupied until the Precinct landscaping and communal facilities (swimming pool and BBQ area) are completed.	Delete this condition.	<i>Not relevant. There is no Precinct landscaping or communal facilities under the PA.</i>

F5 Anti Graffiti All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential for defacement. In addition, any graffiti evident on the exterior facades and visible from public place is to be removed within 24 hours.	Delete this condition	<i>Most ground floor level wall surfaces are accessible only from private courtyards. Breakfast Point is a private Community under which such issues would be addressed under the Community Management Statement.</i>
F9 Road Damage The cost of repairing any damaged caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development shall be met in full by the Proponent prior to the issue of an Occupation certificate. Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call upon the bond to recover costs. Should the repair costs exceed the bond amount; a separate invoice will be issued.	Delete this condition	<i>The road network within the development is a Community asset and is not a Council or Public Authority asset. No bond for road damage is payable to Council.</i>

AN2 Applications for Hoardings and Scaffolding A separate application shall be made to Council for approval under Section 68 of the Local Government Act, 1993, to erect a hoarding or scaffolding in a public place.....	Delete this condition.	<i>Not applicable. Areas within Breakfast Point are private Community spaces.</i>
AN4 Use of Mobile Cranes The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to commencement of works.....	Delete this condition.	<i>Not applicable. Areas within Breakfast Point are private Community spaces.</i>
AN6 Stormwater drainage works or effluent systems A construction certificate for works that involve any of the following: 1. water supply, sewerage and stormwater drainage work 2. management of waste as defined by Section 68 of the Local Government Act 1993 will not be issued until prior separate approval to do so has been granted by Council under section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and prescribed fees.	Delete this condition.	<i>Not applicable. Such infrastructure within Breakfast Point are private Community assets.</i>

AN8 Disability Discrimination Act This application has been assessed in accordance with the Environmental Planning and Assessment Act 1997. No guarantee is given that the proposed complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not caters for in the minimum standards called up in the Building Code of Australia which references AS1428.1-Design for Access and Mobility. AS1428 parts 2,3,& 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.	AN8 Disability Discrimination Act Access and facilities for people with disabilities shall be provided in accordance with AS1428 parts 1&4. Prior to the issue of a Construction Certificate for subsequent project applications, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the certifying Authority.	<i>The current design approved under the PA provides for access to the main entry & the lift shafts will accommodate complying lifts. The only parts of AS1428 parts applicable are parts 1 & 4.</i>
A6 Development Description Development consent is granted only to carry out the development described in detail below: (1) Construction of (7) x buildings ranging from (3) – (5) storeys, containing (267) apartments and (417) car parking spaces. The Precinct will be subdivided into (8) lots, comprising (1) x Precinct property and (7) residential strata lots.	A6 Development Description Development consent is granted only to carry out the development described in detail below: ➤ Construction of (1) x building of (5) storey height, containing 45 apartments with (73) resident and (9) on street visitor car spaces. ➤ Strata subdivision to create (45) strata title lots.	<i>Error</i>

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		Planning application reference (e.g. DA number, planning application title or reference, property address or other description)		
Name of person making this disclosure BREAKFAST POINT PTY LTD		LOT 26 DP 270347, CANADA BAY		
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT ☒ YES / NO		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				
* 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). * 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 * 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.				
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
BREAKFAST POINT PTY LTD 68 127 007 725	51 RILEY ST WOOLLOOMOOLOO, NSW	ALP	1/3/07	\$4,000
ROSECORP PTY LTD 43 002 626 388	51 RILEY ST WOOLLOOMOOLOO	LIBERAL PARTY NSW	1/5/07	\$2,000
COASTAL HAMLETS PTY LTD 18 146 615 446	51 RILEY ST WOOLLOOMOOLOO	GREG BEST	12/3/07	\$9,000
BREAKFAST POINT PTY LTD 68 127 007 725	51 RILEY ST WOOLLOOMOOLOO	ALP	29/8/07	\$28,050
Please list all reportable political donations—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				
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
BREKFAST POINT PTY LTD 68127 007 725	51 RILEY ST WOOLLOOMOOLOO	ALP	18/12/07	\$28,050
ROSECORP MANAGEMENT SERVICES PTY LTD 82-895 653 449	51 RILEY ST WOOLLOOMOOLOO	ALP	23/7/07	\$100
ROSECORP MANAGEMENT SERVICES PTY LTD 82-895 653 449	51 RILEY ST WOOLLOOMOOLOO	ALP	20/9/07	\$5,500
ROSECORP MANAGEMENT SERVICES PTY LTD 82-895 653 449	51 RILEY ST WOOLLOOMOOLOO	ANGELA D'AMORE	21/11/07	\$1,500
COASTAL HAMLETS PTY LTD 18/146 615 446	51 Riley ST WOOLLOOMOOLOO	THE WENT WORTH FORUM	27/8/07	\$55,000
COASTAL HAMLETS PTY LTD 18/146 615 446	51 RILEY ST WOOLLOOMOOLOO	ALP	2/10/07	\$28,050
ROSECORP MANAGEMENT SERVICES PTY LTD 82-895 653 449	51 RILEY ST WOOLLOOMOOLOO	ALP	16/7/08	\$200
COASTAL HAMLETS PTY LTD 18/146 615 446	51 RILEY ST WOOLLOOMOOLOO	ALP	30/9/08	\$28,050