

# Application to modify a development consent

Date lodged: 30/5/12

31/5/12



NSW GOVERNMENT  
Department of Planning

DA modification no. 06-0228 MOD 3  
(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](http://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](mailto: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](mailto: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

Shoalhaven Starches Pty Ltd

ABN

94000045045

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Brian

Family name

Hanley

STREET ADDRESS

Unit/street no.

36

Street name

Bolong Road

Suburb or town

Bomaderry

State

NSW

Postcode

2541

POSTAL ADDRESS (or mark 'as above')

PO Box 123

Suburb or town

NOWRA

State

NSW

Postcode

2541

Daytime telephone

02 44238 200

Fax

02 44210098

Mobile

0412672783

Email

[brian.hanley@manildra.com.au](mailto:brian.hanley@manildra.com.au)



### 3. Property description

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

220

Street or property name

Bolong Road

Suburb, town or locality

BOMADERRY

Postcode

2541

Local government area

Shoalhaven

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.

Lot 143 DP1069758

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).

Shoalhaven Starches Expansion Project MP06-0228 Mod3  
Proposed Relocation of Approved Staff Carpark.

What was the original  
development application no.?

MP06-0228

What was the date  
consent was granted?

28/1/2009

What was the original application  
fee?

\$270,745

### 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).

Refer attached Application



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 31(B)

Proposed Relocation of approved staff car park - refer to Modification Application prepared by Cowman Stoddart Pty Ltd dated May 2012.

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.

EPA - EPL Protection of the Environment Operations Act.

## 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)

10

Operational jobs (full time equivalent)

25

## 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

\$405,000

Original application fee

\$270,745

Total fees lodged

\$5,000

## 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](http://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

See attached Owner  
Consent Letter

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

B. A. Stanley

Date

30/5/12

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.



# Political donations disclosure statement



NSW GOVERNMENT  
Department of Planning

Office use only:

Date received: 31/05/12

Planning application no. MP06\_0228m003

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning 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			
Your interest in the planning application (circle relevant option below)			
You are the APPLICANT		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
See Appendix 1 Attached.			
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		22-5-2012	
Name(s)		GILBERT A H BRAIRY - COMPANY SECRETARY	

## Donations - period May 2010 to May 2012

Donor	Donor Address	Date	Date	Date	\$
		Day	Month	Year	Amount
Lib	140 William St East Sydney	2	5	2010	2,727
ALP	PO Box K408 Haymarket NSW 1240	2	5	2010	1,818
ALP	PO Box 622 Kingston ACT	10	5	2010	7,500
Lib	Locked Bag 2 Kings Cross NSW	10	5	2010	13,636
ALP	PO Box K408 Haymarket NSW 1240	17	5	2010	33,500
ALP	PO Box 622 Kingston ACT	26	5	2010	9,900
ALP	PO Box K408 Haymarket NSW 1240	26	5	2010	4,545
Lib	Locked Bag 2 Kings Cross NSW	1	6	2010	1,773
Nat	GPO Box 4558 Sydney NSW	3	6	2010	5,000
ALP	PO Box K408 Haymarket NSW 1240	3	6	2010	900
ALP	PO Box 622 Kingston ACT	7	6	2010	9,091
Lib	140 William St East Sydney	17	6	2010	6,000
ALP	PO Box K408 Haymarket NSW 1240	30	6	2010	182
Lib	Locked Bag 2 Kings Cross NSW	15	6	2010	1,136
ALP	PO Box 622 Kingston ACT	20	7	2010	10,000
ALP	PO Box 622 Kingston ACT	21	7	2010	150,000
Lib	Locked Bag 2 Kings Cross NSW	22	7	2010	10,000
ALP	PO Box 622 Kingston ACT	22	7	2010	10,000
ALP	PO Box 622 Kingston ACT	22	7	2010	10,000
ALP	PO Box 622 Kingston ACT	22	7	2010	5,000
ALP	PO Box 622 Kingston ACT	22	7	2010	5,000
Lib	Locked Bag 2 Kings Cross NSW	26	7	2010	100,000
ALP	PO Box 622 Kingston ACT	22	7	2010	5,000
ALP	PO Box 622 Kingston ACT	22	7	2010	5,000
Nats	PO Box 6190 Kingston ACT	26	7	2010	100,000
Lib	Locked Bag 2 Kings Cross NSW	26	7	2010	10,000
ALP	PO Box 622 Kingston ACT	29	7	2010	9,090
ALP	PO Box 622 Kingston ACT	1	8	2010	1,818
Independent	P O Box 1638 Innisfail QLD	2	8	2010	10,000
Lib	Locked Bag 2 Kings Cross NSW	9	8	2010	5,000
ALP	PO Box 622 Kingston ACT	9	8	2010	5,000
Lib	Locked Bag 2 Kings Cross NSW	9	8	2010	5,000
ALP	PO Box 622 Kingston ACT	11	8	2010	1,363
Nat	GPO Box 4558 Sydney NSW	31	8	2010	136
Lib	Locked Bag 2 Kings Cross NSW	31	8	2010	1,136
Lib	140 William St East Sydney	10	9	2010	3,000
Nat	GPO Box 4558 Sydney NSW	7	9	2010	50,000
Nat	GPO Box 4558 Sydney NSW	30	9	2010	2,727
ALP	PO Box 622 Kingston ACT	30	9	2010	1,363
Nat	GPO Box 4558 Sydney NSW	3	6	2010	150
Nat	PO Box 6190 Kingston ACT	3	8	2010	4,000
ALP	PO Box 622 Kingston ACT	7	12	2010	2,000
Lib	140 William St East Sydney	15	12	2010	3,000
ALP	PO Box 622 Kingston ACT	21	12	2010	5,000
ALP	PO Box 622 Kingston ACT	23	12	2010	40,000
ALP	PO Box 622 Kingston ACT	28	2	2011	2,000
Lib	140 William St East Sydney	1	3	2011	3,636
Lib	Locked Bag 2 Kings Cross NSW	28	4	2011	20,000
ALP	PO Box 622 Kingston ACT	29	4	2011	20,000
Nat	PO Box 6190 Kingston ACT	31	5	2011	2,272
ALP	PO Box 622 Kingston ACT	31	5	2011	1,500
ALP	PO Box 622 Kingston ACT	30	2	2011	4,545
Nat	PO Box 6190 Kingston ACT	15	6	2011	9,000
LNP	PO Box 940 Spring Hill QLD	17	6	2011	6,250
ALP	PO Box 622 Kingston ACT	21	7	2011	6,600
Nat	PO Box 6190 Kingston ACT	7	7	2011	20,000
Lib	Locked Bag 2 Kings Cross NSW	1	7	2011	20,000
Lib	PO Box 701 Balwyn VIC	9	8	2011	5,000
Lib	PO Box 6004 Kingston ACT	12	9	2011	5,500
Nat	GPO Box 4558 Sydney NSW	20	9	2011	10,000
LNP	P O Box 940 Spring Hill QLD	30	9	2011	200
Lib	Locked Bag 2 Kings Cross NSW	27	10	2011	109
Nat	PO Box 6190 Kingston ACT	8	11	2011	500
Nat	PO Box 6190 Kingston ACT	5	1	2012	11,900
ALP	PO Box 622 Kingston ACT	25	10	2011	11,250
KAP	P O Box 386 Banyo QLD	26	1	2012	50,000
ALP	PO Box 622 Kingston ACT	8	2	2012	30,000

May 2010 to 2012

\$ 907,755





100% Australian Owned

## MANILDRA GROUP

Postal Address:

P.O. Box 123, Nowra

N.S.W. Australia 2541

Telephone: (02) 4423 8200

Facsimile: (02) 4421 7760

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SHOALHAVEN MILLING COMPANY - MANILDRA FLOUR MILLS PTY. LTD. - MANILDRA STARCHES PTY. LTD. - MANILDRA SUGARS  
SHOALHAVEN STARCHES PTY. LTD. - TASMAN STARCHES PTY. LTD. - MANILDRA STOCKFEED PTY. LIMITED  
NAMOI FLOUR MILLS PTY. LIMITED - MANILDRA ENERGY AUSTRALIA PTY. LTD. - MANILDRA MILLING CORPORATION - U.S.A.

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29 May 2012

The Director-General  
Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir

The Manildra Group of Companies consists of several corporate entities and we hereby authorise Brian Hanley, Manager, Energy & Sustainability of Shoalhaven Starches Pty Ltd to act on behalf of the following companies which are part of the Manildra Group, namely:

- Shoalhaven Starches Pty Ltd
- Hookers Milk Products Pty Ltd
- Manildra Energy Australia Pty Ltd
- Manildra Grain Trust
- Manildra Grain Company Pty Ltd
- Manildra Flour Mills Retirement Fund
- Manildra Flour Mills Retirement Fund Pty Ltd

and has the authority to sign on behalf of the above companies Development Applications, Building Applications and Applications for Construction Certificates required by Department of Planning for approval and construction of developments on the Nowra site.

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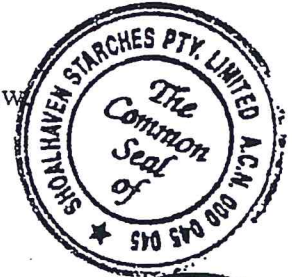
Authority from these Company's Directors and Company Seal is listed below

**Shoalhaven Starches Pty Ltd**

Director

Director

Company Seal

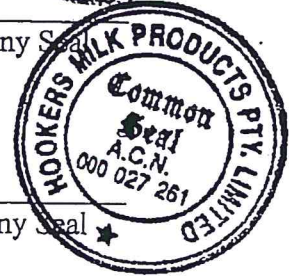


**Hookers Milk Products Pty Ltd**

Director

Director

Company Seal

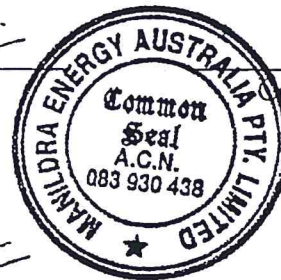


**Manildra Energy Australia Pty Ltd**

Director

Director

Company Seal



**Manildra Grain Trust**

Director

Director

Company Seal

**Manildra Grain Company Pty Ltd**

Director

Director

Company Seal



**Manildra Flour Mills Retirement Fund**

Director

Director

Company Seal

**Manildra Flour Mills Retirement Fund Pty Ltd**

Director

Director

Company Seal

