

# 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](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

ABN

Cardno NSW/ACT

95 001 145 035

☐ Mr ☒ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Jenny

Family name

Smithson

STREET ADDRESS

Unit/street no.

Level 9

Street name

203 Pacific Highway

Suburb or town

St Leonards

State

NSW

Postcode

1590

POSTAL ADDRESS (or mark 'as above')

P.O. Box 19

Suburb or town

St Leonards

State

NSW

Postcode

1590

Daytime telephone

(02) 9496 7700

Fax

(02) 9496 5170

Mobile

Email

[jenny.smithson@cardno.com.au](mailto:jenny.smithson@cardno.com.au)

### 3. Property description

Unit/street no. (or lot no. for Kosciuszko ski resorts)	Street or property name	
Stages 5, 6, 7 & 8 – See attached schedule	Fern Bay Seaside Village	
Suburb, town or locality	Postcode	Local government area
Fern Bay	2295	Port Stephens
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.		
See attached Schedule of subject sites		

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).

Bulk earthworks & clearing; Subdivision to create 473 lots under a community title scheme (including 441 residential lots including 9 duplex lots, 1 triplex lot, 29 superlots, 2 commercial lots and 1 community lot; ecological conservation areas, recreational and open space network; recreational community centre; new road network; stormwater management; landscaping and essential services  
MP No. 06\_0250 - Residential subdivision (Approved 28 June 2010)  
as modified by 06\_0250 Mod 1 (Approved 1 April 2011) and Mod 3 (Approved 1 May 2012)

What was the original development application no.?	What was the date consent was granted?	What was the original application fee?
06_0250	28 June 2010	

### 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).

- i) Make minor amendments to the road pattern;
- ii) Break Stage 8 into 8A and 8B;
- iii) Vary the shape of the residential lots but maintain the same yield; and
- iv) Vary the sequence of the construction Stages.

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.

Conditions of Consent sought to be modified:  
A2, A3, B1, B14, B15 and B16

## 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.

Department of Defence  
NSW Rural Fire Service  
NSW Department of Water & energy  
Department of Primary Industries  
NSW National Parks & Wildlife Service

## 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 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 years equate to 2 people working full weeks time for 2 weeks, which approximately 0.08 of an FTE job)

Construction jobs (full time equivalent)

Operational jobs (full time equivalent)

## 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      Original application fee      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](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



Signature

Name

ROSLYN FORREST as attorney for HUNTER TERRACE 2 P/L

Name

Date

20.12.13

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

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

Date

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.

Contact: Jenny Smithson  
Our Reference: 89914032

22 January 2014

**Cardno (NSW/ACT) Pty Ltd**  
ABN 95 001 145 035

Mr Dan Keary  
Director of Industry, Key Sites and Social Projects  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Level 3  
Cardno Building  
910 Pacific Highway  
Gordon NSW 2072  
Australia

**Phone: 61 2 9496 7700**  
**Fax: 61 2 9499 3902**

[www.cardno.com.au](http://www.cardno.com.au)

Dear Dan,

**SECTION 75W REQUEST TO MODIFY THE MINISTER'S APPROVAL OF PROJECT  
APPLICATION 06\_0250 (28 JUNE 2010) – STAGES 5 TO 8, SOUTH EASTERN PRECINCT -  
SEASIDE BOULEVARD, FERN BAY**

Further to Cardno's previous discussions and involvement with the Department on the above project, we hereby submit an Application and Environmental Assessment lodged pursuant to section 75W of the Environmental Planning and Assessment Act, 1979 (the Act). The Application is to modify the above Part 3A Consent on behalf of Rawson Communities, the applicant and new owners of the subject land referred to as the Fern Bay estate or *Seaside Village, Fern Bay*.

The requested modifications are minor and relate only to slight changes to the layout design and staging of the subdivision for the South Eastern Precinct of the estate.

Specifically the requested amendments include:

1. Breaking Stage 8 into two – Stages 8A and 8B.
2. Minor amendments to the road layout to improve functionality.
3. Minor variations to the shape of some residential lots to improve their buildability whilst maintaining the same lot yield.
4. Varying the sequence of stages to: 6, 7, 5, 8A and 8B then the balance of the estate from Stage 9 onwards.
5. Varying the timing of the provision of certain infrastructure to match the proposed new staging sequence.

The attached North Point Survey Plan No. 3487BA dated 18/12/2013 shows the location of Stages 5 to 8B inclusive and overlays the proposed lot and road layout with the approved design. This plan confirms that the modifications sought are minor.

We have not included the Estimated Capital Investment Value on the application form as the application simply reflects the outcome of an urban design review of the already approved South Eastern Precinct that was required in order to address a Ministerial condition of the approval. As there is no change in lot yield or discernible

difference in the length of road or overall layout, the Estimated Capital Investment Value has not altered from the same Value for the previously approved s75W modification.

On the basis that the proposed modifications will result in no change in lot yield and have no impact on any adjacent resident (who may have purchased) or conservation land, or on any s94 contribution amount proposed to be charged, we consider the proposed modifications to be minor. Accordingly, we believe there is no requirement to notify the proposal with the exception of the Council in this case.

In addition to the required completed s75W Form and Political Donations Declaration Form (attached), the application comprises this letter which includes:

- > A Revised Staging and Layout for Stages 5 to 8A/B inclusive (attached as Plan No. 3487BA) with the approved layout overlayed;
- > Description of proposed changes in road layout and lot configurations and an Environmental Assessment covering the specific outcomes of the proposed modifications; and
- > Recommendations for existing Conditions of Approval to be modified.

#### **REVISED STAGING**

It is proposed to split approved Stage 8 into two – 8A and 8B, as the section comprising Stage 8B is in a different sub-catchment to proposed Stage 8A, and, unlike Stage 8A, cannot be serviced from the sewer pumping station proposed to now be constructed in Stage 6.

In addition, it is proposed to vary the construction sequence to now be Stages 6, 7, 5, 8A and 8B.

Commencing with Stage 6 in the centre of the South Eastern Precinct ahead of Stage 5 will mean the earlier delivery of the approved stormwater detention basin to the east of approved Lots 104 to 108 and Lots 138 to 142. It is then logical to continue to work on the adjoining stages being north through Stage 7 and south to Stage 5 before returning to complete Stage 8A which links up with the remainder of the development site. Stage 8B will be constructed in conjunction with the next stages of the development (ie from Stage 9 onwards).

As you may be aware from a previously approved modification to condition A2 of the approval, the staging does not need to be totally sequential and this has been evidenced by the completion of Stages 11 and 12 ahead of Stages 5 to 10. However the revised proposed staging does have implications for when certain infrastructure works are constructed which impacts on the wording of condition A2. Approval is therefore sought for the changes to timing of works as reflected in a proposed rewording of condition A2 accordingly.

#### **DESIGN DEVELOPMENT OF ROAD LAYOUT AND LOT CONFIGURATIONS**

As detailed on the Revised Plan, the road layout has been slightly changed to improve the configurations of intersections that are currently approved as 'Y' intersections to realign them to be the much safer 'T' intersection configuration.

The realignment of the road layout has resulted in slight amendments to the size and configuration of the individual allotments as approved in the most recent s75W modification approval (MOD 3).

The minor difference between the approved and proposed layout is illustrated on the Overlay Plan in **Appendix A**.



## CONDITIONS TO BE MODIFIED

The conditions sought to be modified are:

- **Condition A2 – Staging**
- **Condition A3 – Project in accordance with Plans**
- **Conditions B1 – Design Modifications, B14 (Landscaping and Revegetation Plan), B15 – Local Park Facilities), and B16 – Location of Sewage Pumping Stations** (these 4 conditions all amended to include updated plan references only).

The following provides the requested modifications to the current conditions of consent:

### Condition A2 – Staging

It is requested that this condition to be modified by:

- ✓ Increasing the number of stages referenced in the first paragraph from 17 to 18 (ie to recognise Stage 8 is now Stages 8A and 8B) so that the first paragraph of the condition would now read:  
*Stages 1 to 3 are the subject of separate approvals issued by other authorities. The project is to be constructed in 18 stages, generally as follows:...*
- ✓ Changing subclauses (2) and (3) to transfer the required infrastructure works for the next stages of Fern Bay from Stage 5 to Stage 6 given Stage 6 is proceeding ahead of Stage 5 and the works are needed for this and subsequent stages. The subclauses therefore need to read as follows:
  - (2) Stage 5 comprises:
    - (a) *Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;*
    - (b) *51 lots;*
  - (3) Stage 6 comprises:
    - (a) *Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;*
    - (b) *37 lots, including one commercial lot;*
    - (c) *Construction of sewer pump station P5;*
    - (d) *Construction of infiltration basin 6;*
    - (e) *Construction of unnamed park (R6), including recreation facilities;*
- ✓ Deferring the construction of Banksia Park (R4) from Stage 7 to Stage 8A given Stage 8A is the last stage surrounding the park and construction and road works associated with Stage 8A could otherwise adversely impact on the park. The subclauses dealing with these stages are subclauses (4) and (5) with the proposed change to subclause (5) detailed further in this letter and the change to subclause (4) to be as follows:
  - (4) Stage 7 comprises:
    - (a) *Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;*
    - (b) *31 lots;*
- ✓ Changing subclause (5) and adding a new subclause (6) to recognise the division of Stage 8 into two – Stages 8A and 8B – and the construction of Banksia Park as part of Stage 8A as follows:

(5) Stage 8A comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 47 lots;
- (c) Construction of Banksia Park (R4), including recreation facilities;

(6) Stage 8B comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 17 lots;

- ✓ Renumbering the existing subclauses from (6) onwards to now be from (7) onwards in response to the insertion of a new subclause (6).
- ✓ Inserting the words “as well as the staging sequence” into the last paragraph to more formally acknowledge that development has and will continue to occasionally develop non-sequentially, so that it now reads:  
*The scope and extent of works within each stage of this project as outlined above, as well as the sequence of staging, may be varied due to market conditions and servicing constraints as agreed to by Council.*

### Condition A3 – Project in Accordance with Plans

It is requested that the table in Condition A3 be modified to reflect the latest revisions in the plans to accommodate the minor design changes as follows:

Subdivision Drawings prepared by North Point Surveys (formerly Daly Smith Pty Ltd)			
Drawing No.	Revision	Name of Plan	Plot Date
29850E - Sheet 1 of 23	F	Staging and Lot Layout Rev-F	21/01/2014
29850E - Sheet 2 of 23	F	Staging Plan	21/01/2014
29850E - Sheet 3 of 23	F	Stages 4-6 Detail Plan Rev-F	21/01/2014
29850E - Sheet 4 of 23	F	Stage 7 Detail Plan Rev-F	21/01/2014
29850E - Sheet 5 of 23	F	Stages 8-10 Detail Plan Rev-F	21/01/2014
29850E - Sheet 6 of 23	F	Stages 11&12 Detail Plan Rev-F	19/12/2013
29850E - Sheet 7 of 23	F	Stages 13&14 Detail Plan Rev-F	21/01/2014
29850E - Sheet 8 of 23	F	Stages 15&16 Detail Plan Rev-F	19/12/2013
29850E - Sheet 9 of 23	F	Stage 17 Detail Plan-Rev F	19/12/2013
29850E - Sheet 10 of 23	F	Stages 18&19 Detail Plan Rev-F	19/12/2013
29850E - Sheet 11 of 23	F	Stage 20 Detail Plan Rev-F	19/12/2013
29850E - Sheet 12 of 23	F	Indicative Sewer Layout Rev-F	20/12/2013
29850E - Sheet 13 of 23	F	Indicative Water main Layout Rev-F	20/12/2013
29850E - Sheet 14 of 23	F	Land Tenure Plan Rev-F	20/12/2013
29850E - Sheet 16 of 23	F	Concept site Drainage Plan — Proposed Swales and Basins Rev-F	20/12/2013
29850E - Sheet 17 of 23	F	Flood Prone and Low Lying Areas Rev-F	20/12/2013
29850E - Sheet 23 of 23	F	Bulk Earthworks (Cut-Fill) Plan Rev-F	20/12/2013



<b>Engineering Drawings prepared by Martens &amp; Associates and Cardno</b>			
<b>Drawing No's.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<b>Martens Plan</b>			
P090247JD01_V5	5	Concept Site Drainage Plan – Proposed Swale and Basins (Sheet 1 of 4) as modified by Cardno Plan (see below)	24/12/2009 Submitted with Supplementary Water Cycle management information prepared by Martens & Associates Pty Ltd dated April 2010 provided in Annexure C of Further Response for Submission Report, prepared by ERM and dated April 2010
<b>Cardno Plan</b>			
89023935-CSK2	1	Concept Site Drainage Plan Proposed Swales and Basins (South East Precinct)	24/01/2012
<b>Landscape Drawings Prepared by North Point Surveys and Terras Landscape Architects</b>			
<b>Drawing No.</b>	<b>Name of Plan</b>		<b>Date</b>
29850 Landscape Plan – Sheet 1 of 1	29850 Landscape Plan - Rev F		21/01/2014

### Conditions B1, B14, B15 and B16

These conditions all need minor modification to reference the most recent plan/s.

### CONCLUSION

The above summarises the extent of the modifications now sought to the existing project approval. Given the simplicity of the modifications sought, the justification provided for seeking the modifications, and the fact that they only affect the timing of certain stages and works, timely issuing of a modified approval is sought accordingly.

Thank you for your attention to this matter. If you have any queries or require additional information, please do not hesitate to contact me at your convenience.

Yours faithfully

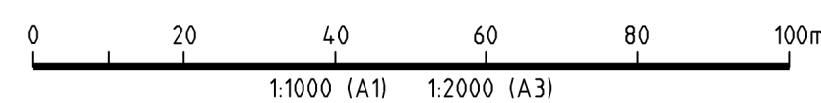
Jenny Smithson  
 Senior Principal – Planning

*for Cardno*  
 Enc:

Cc:  
 Rawson Communities  
 Mr B. Annis-Brown (Project Manager)

## APPENDIX A – REVISED STAGING AND OVERLAY PLAN

- STAGE 5  
STAGE 6  
STAGE 7  
STAGE 8A  
STAGE 8B (NOT CHANGED)  
ORIGINAL DESIGN STAGES 5,6,7 & 8

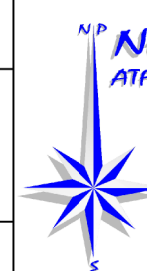


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POINT SURVEYS (NSW) P/L** FOR THE PROJECT FOR  
WHICH IT WAS PROVIDED.

AMENDMENTS

SCALE 1: 1000 (A1)	DATUM N/A
SURVEY DATE N/A	CONTOURS N/A
PLOT DATE 18/12/2013	DRAWN/CHKD BY IMC / MJM
FILENAME N:\NPS\34878 Rawson Communities - Fern Bay Seaside Village\Stage\Drawings\34878A	

DRAWING TITLE REVISED STAGES 5-6-7-8
DEVELOPMENT SEASIDE BOULEVARDE FERN BAY SEASIDE VILLAGE
CLIENT RAWSON COMMUNITIES PTY LIMITED



**NORTH POINT SURVEYS (NSW) PTY LTD**  
ATP NORTH POINT SURVEYS TRUST AEN 52 041 968 075  
SURVEYING AND LAND DEVELOPMENT CONSULTANTS  
5 KOALA PLACE, ONE MILE BEACH  
PH: 0249 842606  
PO BOX 378 NELSON BAY, NSW, 2315  
EMAIL: admin@northpointsurveys.com.au

34878A



# 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 <i>Daniel Carpenter</i>		<i>06-0250</i>		
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT <input checked="" type="radio"/> 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				
<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
<i>Nic</i>	<i>Nic</i>	<i>Nic</i>	<i>Nic</i>	<i>Nic</i>
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 <i>Daniel Carpenter 17.01.14</i>				
Name(s) <i>Daniel Carpenter #2 / Apert Corp.</i>				