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3 February 2021

Our Ref: 2517 / DPIE Ref: SSI-9487

Director - Transport Assessments Planning and Assessment, Department of Planning, Industry and Environment Via: Online submission through the 'planning portal'

Dear Sir/Madam

RE: Submission in relation to the Inland Rail - Narromine to Narrabri (SSI-9487)

Prepared by:	Jim Lawler, Associate, Groundwork Plus Pty Ltd				
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On behalf of:	Regional Quarries Australia Pty Ltd				
In relation to:	Inland Rail – Narromine to Narrabri (SSI-9487)				
Submission:	Objection				
Reasons:	 Chapter C3 of the N2N EIS identifies exceedances of noise, vibration and air quality criteria for the operation of the borrow pits which would not ordinarily be acceptable for an Extractive industry. The N2N EIS has not considered whether dust from the resource at the borrow pits could result in a human health risk for respirable crystalline silica. The borrow pits for the N2N should be held to the same assessment criteria and operational obligations as a commercial quarry operation. The N2N has not considered the most likely haulage routes for quarry materials from existing quarries in Dubbo and should be revised to include an assessment of impacts of construction traffic on the Mitchell Highway, Tantitha Road, Webbs Siding Road, Wallaby Road and Bootles Road and associated intersections. The existing level crossing at Tantitha Road was not assessed by the N2N EIS and is likely to be impacted by construction traffic. Heavy vehicles from Borrow pit A and B are likely to utilise additional local roads to deliver material to the project. The N2N EIS has not considered the approved Macquarie Manor Quarry and the proposed Redden Quarry as part of the cumulative impact assessment. The quarries are adjacent to the N2N and should be considered. Groundwater impacts from Borrow pit A are not sufficiently assessed. Borrow pit development plans are not sufficiently detailed. It is not clear if the biodiversity assessment has considered vegetation clearing for the access roads for the borrow pits. 				
Declaration of any reportable political donations:	Nil (refer Attachment 1)				

<u>Background</u>

Regional Quarries Australia Pty Ltd have engaged Groundwork Plus Pty Ltd to prepare this objection to the Environmental Impact Statement for the Inland Rail – Narromine to Narrabri (SSI-9487) (N2N EIS).

Regional Quarries Australia Pty Ltd (RQA) is part of the Regional Group Australia (RGA) which is associated with the MAAS Group. RQA operates regional quarries including but not limited to the West Wyalong Quarry, Dubbo Quarry and Forbes Quarry.

Section 8.10.2 of the N2N EIS identifies that the MAAS Group Quarry in Sheraton Road, Dubbo as a local quarry proposed to be used by the N2N for supply of capping and ballast.

RQA is associated with the following quarries adjacent to the N2N:

- 1. Macquarie Manor Quarry, DA2019/36 at 116 Euromedah Road, Narromine Approved.
- 2. Redden Quarry, DA2019/58 at 1210 Wallaby Road, Narromine Under assessment.
- 3. Ralston Quarry, DA2020/27 at 4948 Tooraweenah Road, Mt Tenandra Under assessment.

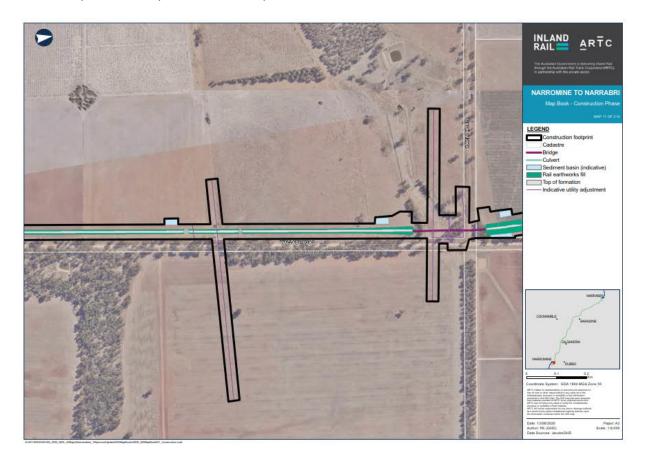
Macquarie Manor Quarry

The Macquarie Manor Quarry is located immediately east of Borrow Pit C and can be seen on Part E, Map Book 3, Map 212 of the EIS (reproduced below for ease of reference). The quarry is located on Lot 3 DP808866 and Lot 1 DP1220016, 116 Euromedah Road, Narromine. The quarry is approved to extract a maximum of 500,000tpa.



Redden Quarry

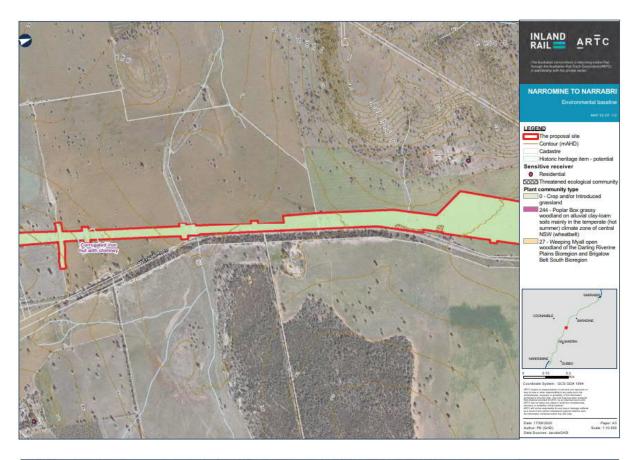
The proposed Redden Quarry is located immediately east of the N2N project alignment. The proposal is located at 1210 Wallaby Road, Narromine being described as Lot 102 DP792484 and is seeking approval for extraction of 490,000tpa. The access road from Wallaby Road to the proposal is visible on Part E, Map Book 2, Map 11 of the EIS (reproduced below for ease of reference).



Ralston Quarry

The proposed Ralston Quarry is located west of the N2N project alignment. The proposal is located at 4948 Tooraweenah Road, Mount Tenandra on Lot 82 DP820705 and is seeking approval for extraction of up to 490,000tpa for a period of 5 years and then 100,000tpa for a period of 20 years. The site of the proposal is visible in Part 3, Map Book 1, Map 50 of the EIS (reproduced below for ease of reference).

It is noted that Part 3, Map Book 2, Map 99 of the EIS (reproduced below for ease of reference), identifies topsoil storage, mobile concrete batching plant, capping and ballast storage and the alignment occurring within the eastern boundary of the site adjacent to Weenya Road.





Context

The N2N EIS identifies the following key infrastructure is proposed to support construction of the proposal:

Borrow pits:

- Borrow pit A—Tantitha Road, Narromine
- Borrow pit B—Tomingley Road, Narromine
- Borrow pit C—Euromedah Road, Narromine
- Borrow pit D—Perimeter Road, Narrabri

The location of Borrow pit A, B and C is shown on Figure A1.3 of the N2N EIS. Borrow pit A and B are in proximity to the Redden Quarry and Borrow pit C is adjacent to the Macquarie Manor Quarry.

The borrow pits will be used to provide fill materials for the N2N. Whereas ballast and capping 'would need to be sourced from commercial quarries' (section A6.3.4 of the N2N EIS). The borrow pits form part of the N2N proposal for which approval is sought.

Objection - Noise, vibration and air quality assessment

- 1. Chapter C3 of the N2N EIS identifies exceedances of noise, vibration and air quality criteria for the operation of the borrow pits which would not ordinarily be acceptable for an Extractive industry.
- 2. The N2N EIS has not considered whether dust from the resource at the borrow pits could result in a human health risk for respirable crystalline silica.
- 3. The borrow pits for the N2N should be held to the same assessment criteria and operational obligations as a commercial quarry operation.

The ordinary noise criteria for extractive industry in a rural setting in our experience and the experience of our client is 35dB(a), and airblast overpressure of 115dB. The development assessment process in New South Wales is such that Extractive industry must include management and mitigation measures at the proposal stage to provide evidence that the criteria can be complied with so that sensitive receivers are not detrimentally impacted.

Section 3.3.5 of the N2N EIS identifies that:

As shown in Table C3.6, during establishment of the borrow pits, exceedances of the construction noise management level are predicted at a number of sensitive receivers, as follows:

- Borrow pit A—at up to six residential receivers and no non-residential receivers. The highest level of exceedance predicted is up to 9 dB(A).
- Borrow pit B—at up to three residential receivers and no non-residential receivers. The highest level of exceedance predicted is up to 13 dB(A).
- Borrow pit C—at up to six residential receivers and no non-residential receivers. The highest level of exceedance predicted is up to 15 dB(A).

and

As shown in Table C3.6, during the use of the borrow pits, exceedances of the construction noise management level are predicted at a number of sensitive receivers, as follows:

 Borrow pit A—at up to nine residential receivers during standard hours, up to two residential receivers during out-of-hours work and no non-residential receivers. The highest level of exceedance predicted is up to 15 dB(A).

- Borrow pit B—at up to 11 residential receivers during standard hours, one residential receiver during out-of-hours work and no non-residential receivers. The highest level of exceedance predicted is up to 19 dB(A).
- Borrow pit C—at up to 15 residential receivers during standard hours, one residential receiver during out-of-hours work and no non-residential receivers. The highest level of exceedance predicted is up to 21 dB(A).

And

The blasting assessment found that there is a sufficient distance from proposed blasting locations to the nearest receivers, such that ground vibration impacts are not expected; however, the recommended airblast overpressure levels in Table C3.7 may be exceeded at some sensitive receivers. The level of exceedance would be dependent on the mass of the charge used for blasting and this number would decrease with a smaller charge mass.

And

As shown in Table C3.9, during the use of the borrow pits, exceedances of the relevant air quality criteria are predicted at one sensitive receiver near borrow pit C.

Section 3.1.2 of the N2N EIS identifies that, 'there is a low risk of naturally occurring asbestos or acid sulfate rock' but does not clarify if the resource at the borrow pits contains material which could result in potential risk of respirable crystalline silica in dust emissions. This is particularly relevant for Borrow pit C which is predicted to result in an exceedance of the relevant air quality criteria.

As outlined above, the N2N EIS specifically identifies that there will be exceedances of the noise, vibration and air quality criteria which will have a detrimental impact on sensitive receivers. If these exceedances and impacts on sensitive receivers are approved by the regulatory authority it creates an unfair advantage for the operation of the borrow pits (which are an extractive industry) compared to the operation of a commercial quarry such as the Macquarie Manor Quarry, Redden Quarry and Ralston Quarry. Furthermore, section 3.4 of the N2N EIS identifies specific mitigation measures for the borrow pits and Table C3.13 provides mitigation measures for blasting but not general noise and air emissions.

The community should reasonably expect that the regulatory authority would subject the borrow pits for the N2N to the same level of scrutiny and assessment criteria and management requirements of an ordinary extractive industry and that the N2N EIS would be required to provide evidence that the borrow pits can comply with the assessment criteria which would be imposed as conditions of approval.

It is expected that the following criteria would be imposed as conditions of approval:

- Noise limits of 35dB(A) measured at the nearest sensitive receptors.
- The airblast over pressure level from blasting operations on the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive location
- The airblast over pressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than 5% of the total number of blasts over each reporting period.
- Ground vibration peak particle velocity from blasting operations on the premises must not exceed 10 millimetres per second at any time at any noise sensitive location.
- Ground vibration peak particle velocity from blasting operations on the premises must not exceed 5 millimetres per second at any noise sensitive location for more than 5% of the total number of blasts over each reporting period.

- Blasting at the premises may only take place between 9:00am and 5:00pm Monday to Friday.
 Blasting is not permitted on Sundays or Public Holidays.
- Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Objection - Traffic and Transport Assessment

- 4. The N2N has not considered the most likely haulage routes for quarry materials from existing quarries in Dubbo and should be revised to include an assessment of impacts of construction traffic on the Mitchell Highway, Tantitha Road, Webbs Siding Road, Wallaby Road and Bootles Road and associated intersections.
- 5. The existing level crossing at Tantitha Road was not assessed by the N2N EIS and is likely to be impacted by construction traffic.
- 6. Heavy vehicles from Borrow pit A and B are likely to utilise additional local roads to deliver material to the project.

The N2N EIS identifies that:

'Construction would result in temporary impacts on traffic and access and an increase in heavy and light vehicle movements on the local road network. This would include a temporary increase in vehicle movements and associated traffic impacts.'

Figure 5.3 of Technical Report 10 – Traffic and Transport Assessment (reproduced below for ease of reference) identifies the proposed access roads for the section of the N2N at Narromine.

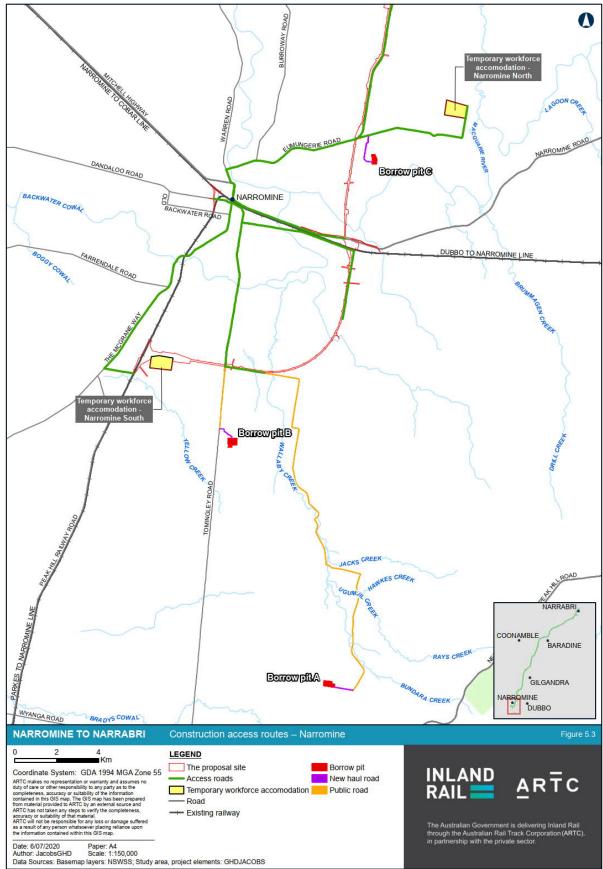
The proposed access roads for the proposal do not reflect the most likely haulage route for delivery of quarry materials to the portion of the N2N south of the Dubbo to Narromine Line.

Quarries in Dubbo are identified by the proposal to supply capping and ballast. Trucks from those quarries will travel westbound along the Mitchell Highway.

If those trucks followed the proposed access roads they would be required to take the Mitchell Highway into Narromine before heading south onto Dandaloo Street, Derribong Avenue, Tomingley Road and Webbs Siding Road. This would result in heavy vehicles travelling through the residential areas of Narromine.

It is more likely that heavy vehicles from quarries in Dubbo will exit the Mitchell Highway at Tantitha Road crossing the Dubbo to Narromine Line and accessing the construction alignment via Webbs Siding Road, Wallaby Road and then further south and east via Bootles Road and Pinedean Road to access Tomingley Road. This should be assessed by the N2N.

The N2N EIS identifies that pavement damage to local roads from construction traffic (including delivery of fill, ballast and capping from borrow pits and quarries) will be managed through a dilapidation survey and subsequent rectification of any damage to the road. Table 3.10 of Section 3.3.7 of the N2N EIS identifies the primary access routes for the borrow pits. We anticipate that Borrow Pit A and B will also utilise Bootles Road and Wallaby Road to access the portion of the alignment adjacent to wallaby Road. These roads should be identified to ensure that the commitment to rectify any damage to local roads is applicable to those roads.



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Objection - Cumulative impact assessment

7. The N2N EIS has not considered the approved Macquarie Manor Quarry and the proposed Redden Quarry as part of the cumulative impact assessment. The quarries are adjacent to the N2N and should be considered.

The Macquarie Manor Quarry has been publicly notified and approved and the Redden Quarry has been previously publicly notified. It would be reasonable to expect that inclusion of Borrow pits (which are Extractive industry) into the N2N proposal would require an assessment of cumulative impacts with nearby quarries particularly as the Borrow pits A, B and C will rely upon the same haul routes and because Borrow pit C shares a common property boundary with the Macquarie Manor Quarry.

Objection - Groundwater impacts

8. Borrow pit A is identified to impact on groundwater. A specialist groundwater impact assessment has not been provided for Borrow pit A.

Section C3.3.3 of the N2N EIS states, 'Groundwater levels: water table interception is possible at borrow pit A and unlikely at the other three borrow pits, based on monitored groundwater levels (see Table C3.3)'.

Table C3.3 of the N2N EIS does not clarify what groundwater monitoring was conducted at the site to determine that the groundwater levels are about 4.8m below ground level. In our experience groundwater regulators required extractive industry applications to provide more detailed evidence of localised groundwater levels through drilling data and a specialist groundwater impact assessment.

Objection - Proposal plans

9. Borrow pit development plans are not sufficiently detailed.

The indicative layouts of the borrow pits provided in Chapter C3 of the N2N EIS do not provide the same level of detail ordinarily required for extractive industry. For example, a maximum depth of extraction is not identified, batters and benches of the extraction area are not identified and neither is the finished surface level. More detailed proposal plans should be provided to ensure adequate information is available to facilitate assessment of the potential impacts of the borrow pits and to assist in compliance investigations in the future.

Objection - Biodiversity impacts of the access roads for the borrow pits

10. It is not clear if the biodiversity assessment has considered vegetation clearing for the access roads for the borrow pits.

Part E, Map book 1 of the N2N EIS shows that assessment of the plant community type has been undertaken of the borrow pit extraction areas. However, it is not clear from the mapping if clearing for the access roads to the borrow pits has been considered.

Section 3.3.2 of the N2N EIS states,

Clearing of vegetation would be required at all borrow pit sites. The potential impacts associated with the borrow pits are summarised in Table C3.5. Detailed design and construction planning would minimise the construction footprint and avoid impacts on native vegetation and hollow-bearing trees as far as reasonably practicable (see mitigation measures BD1 and BD2). The biodiversity management plan included in the CEMP (see mitigation measure BD7) would detail measures to minimise the potential for biodiversity impacts during construction. The overall loss of native vegetation, and potential impacts on

threatened species, have been taken into account in the impact assessment and calculation of biodiversity offsets described in chapter B1. Biodiversity offsets for the proposal (see mitigation measure BD4) would address the impacts of the borrow pits.

There is no evidence in Chapter B1 of the N2N EIS that the access roads to the borrow pits have been considered as part of the biodiversity impacts for the proposal.

Review of Technical Report 1 Biodiversity, Table 8.4 'Direct impacts on vegetation and habitats in borrow pits and associated haul roads' identifies that for Borrow pit D 'The haul road would impact 2.40 hectares of PCT 398 (Narrow-leaved Ironbark – White Cypress Pine – Buloke tall open forest)', but similar statements are not provided for Borrow pit A, B or C. Whereas Table 12.2 of Technical Report 1 does suggest for example that 'Segment 4' of the assessment included 'Borrow pit A and haul road'.

On that basis, it appears likely that the impacts of the access roads to the borrow pits have be included in the assessment and subsequent offset requirements, however this should be confirmed.

Conclusion

RQA support the N2N but object to the Borrow pits for the N2N if they are not subject to the same level of scrutiny and assessment criteria that is applied to development applications for commercial quarries.

If you require any further information, please do not hesitate to contact me.

Yours faithfully

Groundwork Plus

Jim Lawler

Associate & Project Director

Attachments

Attachment 1 – Disclosure form

Political donations disclosure statement



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 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:

- 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						
Name of person making this disclosure			Planning application reference (e.g. DA number, planning application title or reference, property			
Wesley Maas		address or oth	• •			
Wesley Maas			SSI 9847 Inland Rail N2N			
Your interest in the planning application (circ	cle relevant option below)					
roar interest in the planning application (on	-			_		
You are the APPLICANT YES / NO	OR You are a	PERSON MAKI	ING A SUBMISSION IN RELATION TO AN APPL	CATION YES	/ NO	
Reportable political donations made by p	person making this declaration or by other rele	vant persons				
* State below any reportable political donations you have	ve made over the 'relevant period' (see glossary on page 2). If the	e donation was mad	e by an entity (and not by you as an individual) include the Austr	alian Business Number (A	BN).	
* If you are the applicant of a relevant planning applicat	tion 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, C)R	
* If you are a person making a submission in relation	to an application, state below any reportable political donations the	hat you know, or oug	ght reasonably to know, were made by an associate.			
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered other official office of the donor	address or	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation	
_						
	Please list all reportable political donations	s—additional sp	ace is provided overleaf if required.			
By signing below, I/we hereby declare that a	all information contained within this statement is ac	ccurate at the tin	ne of signing.			
Signature(s) and Date	02/02/2021					
Name(s)						
Wesley Maas						

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