

Application to modify a development consent



NSW GOVERNMENT
Department of Planning

Date lodged: ____/____/____

DA modification no. _____
(Office use only)

1. Before you lodge

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

Disclosure statement

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

Lodgement

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

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

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

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

2. Applicant and contact details

Company/organisation/agency

ABN

PenrithLakesDevelopmentCorporation Ltd

46000133951

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Joe

Family name

Bevacqua

STREET ADDRESS

Unit/street no.

89-151

Street name

Old Castlereagh Road

Suburb or town

CASTLEREAGH

State

NSW

Postcode

2749

POSTAL ADDRESS (or mark 'as above')

PO Box 457

Suburb or town

CRANE BROOK

State

NSW

Postcode

2749

Daytime telephone

02 4734 8141

Fax

02 47301462

Mobile

0438 156 361

Email

joe.bevacqua@pldc.com.au

3. Property description

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

89-151

Street or property name

Old Castlereagh Road

Suburb, town or locality

CASTLEREAGH

Postcode

2749

Local government area

PENRITH

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

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).

DA4 - Continuation of sand and gravel extraction contained within the Penrith Lakes Scheme.

DA4 has been modified on 5 previous occasions as follows:

1. DA4 Mod 1, "Extended Hours for DA4, Penrith Lakes Scheme", dated 6 December 2004.
2. DA4 Mod 2, "Statement of Environmental Effects for the Camenzuli Property", dated March 2005.
3. DA4 MOD 3, "VENM Importation Statement of Environmental Effects: Response to Submissions", dated 12 May 2009.
4. DA4 MOD 4, "Section 75W Application - Flood Discharge Pipe Construction at Penrith Lakes, including the Supplementary Report titled Wildlife Lake Section 75W - Weir and Flood Outlet Pipe Supplementary Report dated 6 December 2010, and the response to submissions dated 21 January 2011".
5. DA4 MOD 5, "Section 75W Application - Wildlife Lake Weir at Penrith Lakes dated November 2010, including the response to submissions dated 21 January 2011.

What was the original development application no.?

DA4

What was the date consent was granted?

09/09/1998

What was the original application fee?

5. Type of modification

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

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

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

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

6. Extent of modification

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

No ☐ ➤ Please submit a new development application.

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

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

7. Description of modification

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

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

Proposal is to:

- undertake minor modifications to conditions of consent;
- provide details (plan) and location of Rip Rap zones to enable the discharge of water into the Nepean River;
- provide erosion and sediment control details (plan) for the Wildlife Lake Weir and Flood Discharge Pipe; and
- confirm the use of concrete materials and armouring rocks in the construction of the Wildlife Lake weir.

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.

OEH for Aboriginal heritage matters

Controlled Activity Approvals under the Water Management 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)

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

Nil

11. Political donation disclosure statement

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

Have you attached a disclosure statement to this application?

Yes ☐

No ☒

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

12. Owner's consent

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

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

Signature



Name

EILEEN O'FLANAGAN


Date

09/06/2011

Signature



Name



Date



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

13. Applicant's signature

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

Signature



Date

9 June 2011

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.

DA4 PROPERTY DESCRIPTION

SCHEDULE B

PLDC Land							
Ref	Description	Torrens Register	Vol.	Fol.	Conv	Bk	Area (ha)
1	Lot 471 DP 558416	471/558416	12116	85			9.146
2	Lot 470 DP 558416	470/558416	12116	84			0.101
3	Part Por 42				988	3192	32.375
4	Lot 1 DP 63308	1/63308	11693	241			19.35
5	Por 43				852		36.13
6	Lot 1 DP 73955	1/73955	3460	31			7.845
7	Lot 1 DP 120891	1/120891	7777	57			13
8	Lot 1 DP 120872	1/120872	7777	56			2.023
9	Part Por 44				130	3136	6.475
10	Lot 300 DP 752021	300/752021	7074	206			45.19
11	Part Por 46				422	3462	18.129
12	Lot 1 DP 60859	1/60859	15175	87			18.72
13	Lot 1 DP 87060	1/87060	6733	116			17.82
14	Lot 2 DP 87060	2/87060	6733	115			20.23
16	Lot 1 DP 219895	1/219895	9849	93			32.39
17	Lot 21 DP 530256	2/1530256	10914	62			8.966
18	Lot 45 DP 545813	45/545813	11695	145			11.53
19	Lot 44 DP 545813	44/545813	11695	144			11.22
20	Lot 42 DP 546220	42/546220	11695	157			5.373
21	Lot 23 DP 530256	23/530256	10974	6			8.66
22	Lot 3 DP 219895	3/219895	9849	95			15.95
23	Lot 1 DP 436198	1/436198	12771	89			29.69
24	Part Por 51				687	2228	4.705
25	Lot 4 DP 2223	4/2223	13771	232			15.71
26	Part Por 298				709	1948	9.308
27	Lot 2 DP 348979	2/348979	5446	194			2.668
28	Lot 2981 DP 128099	2981/128099	8258	233			27.98
29	Part Por 52				386	2236	3.237
30	Lot 1 DP 2223	1/2223	916	35			16.13
31	Part Por 53				917	2240	3.49
32	Lot 2 DP 236125	2/236125	10784	45			43.563
33	Lot 1 DP 236125	1/236125	10784	44			0.355
34	Part Por 54				491	2973	11.47
35	Part Por 54				483	2050	39.651
36	Lot A DP 374807	A/374807	13771	231			20.39
37	Lot B DP 374807	B/374807	6614	133			20.89
38	Lot 1 DP 128036	1/128036	7209	143			5.911
39	Lot 2 DP 128036	2/128036	7209	142			14.12
40	Lot 56 DP 7868-6----	56/78686	7209	144			14.77
41	Lot X DP 421674	X/421674	8380	19			11.09
42	Lot Y DP 421674	Y/421674	8380	20			6.37
43	Order No F151934 Part Por 57		6178	202			7.285
44	Lot 104 DP 599725	104/599725	13906	14			2.587
45	Lot 103 DP 599725 (Part Only)	103/599725	13906	13			2.716
46	Lot 2 DP 630803	2/630803	15010	63			5.287
47	Lot 34 DP 241197	34/241197	11624	62			5.136
152	Lot 481 DP 849952	481/849952	4558	110			35.284
174	Sheens Lane Lot 1 DP 47720	1/47720	15721	175			1.92
48	Lot 2 DP 617921						7.6
		Subtotal					709.926