



# Application to Modify a Development Consent

DA Modification Number: DA2, DA3 and DA4 \_\_\_\_\_

## 1. Before you lodge

You can use this form to apply to modify a development consent given by the Minister for Planning. If the changes you propose mean the development will not be substantially the same as that originally approved, please do not use this form. You will need to submit a new development application.

### Disclosure statement

Persons lodging 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

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

To complete this form, please place a cross in the appropriate boxes ☐ and complete all sections.

## 2. Details of the applicant

NAME

Mr ☐ Ms ☐ Mrs ☒ Dr ☐ Other ☐

First name

Jacqueline

Family name

Vozzo

Company/organisation

Penrith Lakes Development Corporation

ABN

46000133951

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

Cranebrook

State

NSW

Postcode

2749

CONTACT DETAILS

Daytime telephone

0247348104

Fax

0247301462

Mobile

0401894268

Email

Jacqueline.Vozzo@pldc.com.au

How would you prefer to be contacted?

mobile

### 3. Identify the land

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

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 eg 123/579, 162/2.

Please see attached Lot and DP schedule

- (1) (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 Land & Property Information (LPI), a division of the Department of Finance, Service and Innovation, for updated details.
- (2) Note: If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers may not always apply.

### 4. Details of the original development consent

Describe what the original consent allows

DA02, 03 & 04 permits continued extraction, rehabilitation and VENM importation on land included in these consents. VENM importation is permitted up to eight (8) million tonnes at a maximum rate of three (3) million tonnes per year.

What is the development application no.?

DA02  
DA03  
DA04

What is the date of consent?

24/02/1987  
27/06/1995  
09/09/1998

What was the original estimated cost of development (including GST)?

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

Please indicate the type of modification you propose to make by placing a cross in the appropriate box ☐ below.

You need to submit with your application form a full description of the expected impacts of the modifications proposed, including relevant plans, drawings and compliance with relevant controls.

☐

A modification to correct a minor error, misdescription or miscalculation

Describe the error, misdescription or miscalculation

(Refer to section 96(1) of the *Environmental Planning and Assessment 1979* (EP&A) Act)



A modification that will have minimal environmental impact

Describe the modification and its expected impact  
(Refer to section 96(1A) of the EP&A Act)

The modification is for an additional 300,00 tonnes of Virgin Excavated Natural Material (VENM) and Excavated Natural Material (ENM) to help fulfil approved landform profiles at the site. Potential environmental impacts are assessed in the attached report.



Any other modification

Describe the modification and its expected impact  
(Refer to section 96(2) of the EP&A Act)

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).

Justification provided in the attached report 'Penrith Lakes Development Corporation S4.55 (1A) Modification Application' completed by Arup Pty Ltd dated 10 March 2018.

## 6. Number of jobs to be created

Please indicate the number of jobs this 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)

75

Operation jobs (full-time equivalent)

12

## 7. Application fee

For development that involves a building or other work, the fee for your application is based on the estimated cost of the development.

Clause 258 of the Environmental Planning and Assessment Regulation 2000 and the table attached to that clause set out how to calculate the fee for an application for modification of a consent.

If your development needs to be advertised to the public you may also need to include an advertising fee. Clause 258 of the regulations includes details on these fees.

Note: Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

\$300,000.00

Total fees lodged

## 8. Political donation disclosure statement

Persons lodging a development application are required to declare reportable political donations (including donations of or more than \$1000) made in the previous two years. Disclosure statements are to be submitted with your application.

**Have you or any person with a financial interest in the application or any persons associated with the application made a political donation?**

No ☒

Yes ☐

**Have you attached a disclosure statement to this application?**

No ☐

Yes ☒

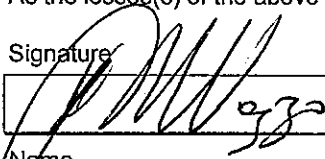
Note: for more details about political donation disclosure requirements, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

## 9. Signatures

The lessee(s) of the land this application relates to must sign the application.

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

Signature



Name

Jacqueline Mare 60220

Date

10/15/18

Capacity in which you are signing

Chief Executive Officer

Signature

Name


Date

Capacity in which you are signing

## 10. Applicant's Signature

The applicant must sign the application.

Signature



Name

Jacqueline Marie Vozzo

Date

10/5/18

## 11. Privacy policy

The information you provide in this application will enable us, 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 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 information provided in your application. Please ensure that the information is accurate and advise us of any changes.

## 12. Contact details

### Alpine Resorts Team

Shop 5A, 19 Snowy River Avenue  
PO Box 36, JINDABYNE NSW 2627  
Telephone: 02 6456 1733

Email: [alpineresorts@planning.nsw.gov.au](mailto:alpineresorts@planning.nsw.gov.au)

### Head Office

320 Pitt Street, SYDNEY 2000  
GPO Box 39, SYDNEY NSW 2001  
Telephone: 1300 305 695

Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

Note: contact details of other Sydney Metropolitan and Regional Offices, go to  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

| PLDC_Ref | LOT_DP       | Address                           |
|----------|--------------|-----------------------------------|
| 2        | 470\\558416  | 14-278 Old Castlereagh Road       |
| 4        | 1\\63308     | 14-278 Old Castlereagh Road       |
| 5        | 43\\752021   | 14-278 Old Castlereagh Road       |
| 6        | 1\\73955     | 14-278 Old Castlereagh Road       |
| 7        | 1\\120891    | 14-278 Old Castlereagh Road       |
| 8        | 1\\120872    | 14-278 Old Castlereagh Road       |
| 9        | 44\\1130206  | 14-278 Old Castlereagh Road       |
| 10       | 300\\752021  | 14-278 Old Castlereagh Road       |
| 11       | 460\\1130241 | 14-278 Old Castlereagh Road       |
| 12       | 1\\60859     | 14-278 Old Castlereagh Road       |
| 13       | 1\\87060     | 14-278 Old Castlereagh Road       |
| 14       | 2\\87060     | 14-278 Old Castlereagh Road       |
| 16       | 1\\219895    | 14-278 Old Castlereagh Road       |
| 17       | 21\\530256   | 14-278 Old Castlereagh Road       |
| 18       | 45\\545813   | 14-278 Old Castlereagh Road       |
| 19       | 44\\545813   | 14-278 Old Castlereagh Road       |
| 20       | 42\\546220   | 14-278 Old Castlereagh Road       |
| 21       | 23\\530256   | 14-278 Old Castlereagh Road       |
| 22       | 3\\219895    | 14-278 Old Castlereagh Road       |
| 23       | 1\\436198    | 14-278 Old Castlereagh Road       |
| 24       | 1\\1148035   | Old Castlereagh Road, Castlereagh |
| 25       | 4\\2223      | 14-278 Old Castlereagh Road       |
| 26       | 3\\1148035   | Old Castlereagh Road, Castlereagh |
| 27       | 2\\348979    | 14-278 Old Castlereagh Road       |
| 28       | 2981\\128099 | 14-278 Old Castlereagh Road       |
| 29       | 4\\1148035   | Old Castlereagh Road, Castlereagh |
| 30       | 1\\2223      | 14-278 Old Castlereagh Road       |
| 31       | 6\\1148035   | Old Castlereagh Road, Castlereagh |
| 32       | 2\\236125    | 14-278 Old Castlereagh Road       |
| 33       | 1\\236125    | 14-278 Old Castlereagh Road       |
| 36       | A\\374807    | 14-278 Old Castlereagh Road       |
| 37       | B\\374807    | 14-278 Old Castlereagh Road       |
| 38       | 1\\128036    | 14-278 Old Castlereagh Road       |
| 39       | 2\\128036    | 14-278 Old Castlereagh Road       |
| 40       | 56\\78686    | 14-278 Old Castlereagh Road       |
| 41       | X\\421674    | 14-278 Old Castlereagh Road       |
| 42       | Y\\421674    | 14-278 Old Castlereagh Road       |
| 43       | 57\\668807   | 14-278 Old Castlereagh Road       |
| 60       | 101\\1043500 | Farrells Lane, Castlereagh        |
| 65       | 247\\752021  | Cranebrook Road                   |
| 70       | 1\\229462    | Castlereagh Road, Castlereagh     |
| 71       | 2\\229462    | 108-110 Wrights Lane              |
| 72       | B\\394967    | Castlereagh Road, Castlereagh     |
| 74       | 1\\653149    | 112 Wrights Lane                  |
| 86       | 8\\1212402   | 1643-1655 Castlereagh Road        |
| 94       | 61\\581860   | Farrells Lane, Castlereagh        |
| 1        | 1\\1191173   | Castlereagh Road, Castlereagh     |
| 1        | 2\\1181667   | Castlereagh Road, Castlereagh     |
| 1        | 3\\1181667   | Castlereagh Road, Castlereagh     |

|     |               |                                   |
|-----|---------------|-----------------------------------|
| 101 | 1\\129802     | Castlereagh Road, Castlereagh     |
| 133 | 1\\419190     | Castlereagh Road, Castlereagh     |
| 134 | 1\\200839     | 14-278 Old Castlereagh Road       |
| 135 | 2\\200839     | 14-278 Old Castlereagh Road       |
| 136 | 302\\752021   | 14-278 Old Castlereagh Road       |
| 137 | 303\\752021   | 14-278 Old Castlereagh Road       |
| 138 | 325\\752021   | 14-278 Old Castlereagh Road       |
| 139 | 304\\752021   | 14-278 Old Castlereagh Road       |
| 140 | 305\\752021   | 14-278 Old Castlereagh Road       |
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| 142 | 307\\752021   | 14-278 Old Castlereagh Road       |
| 143 | 337\\752021   | 14-278 Old Castlereagh Road       |
| 144 | 338\\752021   | 14-278 Old Castlereagh Road       |
| 145 | 308\\752021   | 14-278 Old Castlereagh Road       |
| 146 | 321\\752021   | 14-278 Old Castlereagh Road       |
| 147 | 309\\752021   | 14-278 Old Castlereagh Road       |
| 148 | 310\\752021   | 14-278 Old Castlereagh Road       |
| 151 | 3\\847895     | McCarthys Lane                    |
| 152 | 481\\849952   | 14-278 Old Castlereagh Road       |
| 153 | 482\\849952   | 1404A Castlereagh Road            |
| 154 | 2\\735602     | 312 Old Castlereagh Road          |
| 155 | 1\\735602     | 314-316 Old Castlereagh Road      |
| 156 | 2\\196573     | 297-305 Old Castlereagh Road      |
| 157 | 1\\196573     | 297-305 Old Castlereagh Road      |
| 158 | 82\\1129226   | 82 McCarthys lane Castlereagh     |
| 159 | 1\\882358     | Farrells Lane, Castlereagh        |
| 161 | 1\\882355     | Castlereagh Road, Castlereagh     |
| 170 | 5\\232270     | Old Castlereagh Road, Castlereagh |
| 173 | 1\\882354     | Jacksons Lane                     |
| 174 | 1\\47720      | 14-278 Old Castlereagh Road       |
| 175 | 1\\45727      | 14-278 Old Castlereagh Road       |
| 177 | 2\\882361     | Wrights Lane Castlereagh          |
| 178 | 1\\882353     | 14-278 Old Castlereagh Road       |
| 180 | 1\\1094333    | McCarthys Lane                    |
| 181 | 1\\88252      | Purcells lane                     |
| 182 | 2\\882358     | Whales Tail                       |
| 184 | Road\\1094333 | McCarthys Lane                    |
| 186 | 28\\234746    | Old Castlereagh Road, Castlereagh |
| 187 | 27\\234746    | Old Castlereagh Road, Castlereagh |
| 194 | 3\\232270     | Old Castlereagh Road, Castlereagh |
| 195 | 4\\1212402    | McCarthys Lane                    |
| 199 | 2\\1013504    | 89-151 Old Castleragh Road        |
| 200 | 3\\1013504    | LTS 3-9 Castlereagh Road          |
| 201 | 4\\1013504    | LTS 3-9 Castlereagh Road          |
| 202 | 5\\1013504    | LTS 3-9 Castlereagh Road          |
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| 205 | 8\\1013504    | LTS 3-9 Castlereagh Road          |
| 206 | 9\\1013504    | LTS 3-9 Castlereagh Road          |
| 211 | 14\\1013504   | Farrells Lane, Castlereagh        |

|     |              |                                 |
|-----|--------------|---------------------------------|
| 212 | 15\\1013504  | Carters Lane                    |
| 213 | 16\\1013504  | LTS 16-18 MacCarthys Lane       |
| 214 | 17\\1013504  | LTS 16-18 MacCarthys Lane       |
| 215 | 18\\1013504  | LTS 16-18 MacCarthys Lane       |
| 216 | 19\\1013504  | 89-151 Old Castleragh Road      |
| 217 | 16\\793163   | 47-65 Old Castleragh Road       |
| 218 | 14\\793163   | 47-65 Old Castleragh Road       |
| 219 | 12\\793163   | 39-45 Old Castleragh Road       |
| 220 | 10\\793163   | 7-37 Old Castleragh Road        |
| 221 | 8\\793163    | 7-37 Old Castleragh Road        |
| 222 | 6\\793163    | 7-37 Old Castleragh Road        |
| 223 | 4\\793163    | 7-37 Old Castleragh Road        |
| 224 | 11\\859890   | 7-37 Old Castleragh Road        |
| 227 | 11\\1014419  | Castlereagh Road, Castlereagh   |
| 239 | 68\\1111742  | 68 Castlereagh Road Castlereagh |
| 241 | 111\\1143931 | Castlereagh Road, Castlereagh   |
| 246 | 632\\1157500 | Castlereagh Road, Castlereagh   |
| 247 | 64\\1111742  | Castlereagh Road, Castlereagh   |
| 248 | 63\\1111742  | Church Lane Castlereagh         |
| 250 | 108\\1143931 | Castlereagh Road, Castlereagh   |
| 251 | 107\\1143931 | Castlereagh Road, Castlereagh   |
| 263 | 4\\1180164   | Castlereagh Road, Castlereagh   |
| 272 | 2\\1107181   | East Lakes                      |
| 273 | 1\\1107181   | East Lakes                      |
| 275 | 17\\1107181  | Castlereagh Road, Castlereagh   |
| 277 | 13\\1107181  | Castlereagh Road, Castlereagh   |
| 278 | 14\\1107181  | Castlereagh Road, Castlereagh   |
| 279 | 15\\1107181  | Castlereagh Road, Castlereagh   |
| 280 | 115\\1143931 | Castlereagh Road, Castlereagh   |
| 281 | 116\\1143931 | Castlereagh Road, Castlereagh   |
| 282 | 117\\1143931 | Castlereagh Road, Castlereagh   |
| 283 | 20\\1107181  | Castlereagh Road, Castlereagh   |
| 284 | 118\\1143931 | Castlereagh Road, Castlereagh   |
| 285 | 22\\1107181  | Castlereagh Road, Castlereagh   |
| 286 | 119\\1143931 | Castlereagh Road, Castlereagh   |
| 287 | 120\\1143931 | Castlereagh Road, Castlereagh   |
| 289 | 121\\1143931 | Castlereagh Road, Castlereagh   |
| 290 | 122\\1143931 | Castlereagh Road, Castlereagh   |
| 291 | 78\\1111742  | Castlereagh Road, Castlereagh   |
| 292 | 79\\1111742  | Castlereagh Road, Castlereagh   |
| 293 | 123\\1143931 | Castlereagh Road, Castlereagh   |
| 294 | 124\\1143931 | Castlereagh Road, Castlereagh   |
| 295 | 125\\1143931 | Castlereagh Road, Castlereagh   |
| 296 | 83\\1111742  | Castlereagh Road, Castlereagh   |
| 297 | 126\\1143931 | Castlereagh Road, Castlereagh   |
| 298 | 85\\1111742  | Castlereagh Road, Castlereagh   |
| 299 | 127\\1143931 | Castlereagh Road, Castlereagh   |
| 300 | 87\\1111742  | Castlereagh Road, Castlereagh   |
| 301 | 128\\1143931 | Castlereagh Road, Castlereagh   |
| 302 | 89\\1111742  | Castlereagh Road, Castlereagh   |



|     |                         |                                       |
|-----|-------------------------|---------------------------------------|
| 303 | 21\\1092147             | 153 Old Castlereagh Road, Castlereagh |
| 304 | 20\\1092147             | 153 Old Castlereagh Road, Castlereagh |
| 305 | 1\\1092607 (2\\1212402) | Castlereagh Road, Castlereagh         |
| 306 | MR155\\1092607          | Upper Castlereagh Group               |
| 307 | 1\\1212402              | Old Castlereagh Road, Castlereagh     |
| 308 | MR155\\232270           | Old Castlereagh Road, Castlereagh     |
| 309 | MRNo155\\232270         | Castlereagh Road, Castlereagh         |
| 310 | 101\\1113830            | Castlereagh Road, Castlereagh         |
| 311 | 100\\1113830            | 10 Castlereagh Road, Castlereagh      |
| 312 | 2\\589913               | 4 Singles Ridge Road Yellow Rock      |
| 313 | 3\\589913               | 4 Singles Ridge Road Yellow Rock      |
| 314 | 4\\589913               | 4 Singles Ridge Road Yellow Rock      |
| 315 | 461\\1130241            | 461 Castlereagh Road                  |
| 317 | 421\\1130241            | 14-278 Old Castlereagh Road           |
| 318 | 540\\1131982            | 14-278 Old Castlereagh Road           |
| 319 | 541\\1131982            | 14-278 Old Castlereagh Road           |
| 320 | 11\\1188657             | 14-278 Old Castlereagh Road           |
| 321 | 12\\1188657             | 14-278 Old Castlereagh Road           |
| 322 | 2\\1148035              | Old Castlereagh Road, Castlereagh     |
| 323 | 5\\1148035              | Old Castlereagh Road, Castlereagh     |
| 324 | 7\\1148035              | Old Castlereagh Road, Castlereagh     |
| 400 | 1\\1180164              | 1585 Castlereagh Road, Castlereagh    |
| 401 | 2\\1180164              | 1585 Castlereagh Road, Castlereagh    |
| 402 | 3\\1180164              | 1585 Castlereagh Road, Castlereagh    |
| 407 | 8\\1180164              | 1585 Castlereagh Road, Castlereagh    |
| 408 | 1\\1180473              | Castlereagh Road, Castlereagh         |
| 409 | 2\\1180473              | Castlereagh Road, Castlereagh         |
| 410 | 3\\1180473              | Castlereagh Road, Castlereagh         |
| 411 | 1\\1181666              | 259 West Wilchard Road                |
| 412 | 2\\1181666              | Castlereagh Road, Castlereagh         |
| 413 | 3\\1181666              | 148-151 West Wilchard Road            |
| 414 | 4\\1181666              | 23 Castlereagh Road Castlereagh       |
| 415 | 5\\1181666              | Castlereagh Road, Castlereagh         |
| 416 | 6\\1181666              | 24 Castlereagh Road Castlereagh       |
| 417 | 7\\1181666              | Castlereagh Road, Castlereagh         |
| 418 | 8\\1181666              | 25 Castlereagh Road Castlereagh       |
| 419 | 9\\1181666              | 1185-1187 Castlereagh Rd              |
| 420 | 1\\1181667              | Lot 1 Castlereagh Road Castlereagh    |
| 428 | 2\\1191173              | 29 Castlereagh Road Castlereagh       |
| 429 | 3\\1191173              | 26 Castlereagh Road Castlereagh       |
| 430 | 4\\1191173              | 27 Castlereagh Road Castlereagh       |
| 431 | 5\\1191173              | 28 Castlereagh Road Castlereagh       |
| 432 | 6\\1191173              | 30 Castlereagh Road Castlereagh       |

# 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 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  |  |   |                    |                           |
|---|--|---|--------------------|---------------------------|
| Name of person making this disclosure<br><i>JACQUELINE VOZZO</i>  |  | Planning application reference (e.g. DA number, planning application title or reference, property address or other description) <i>89-151 OLD CASTLEREAGH RD, CASTLEREAGH NSW 2749<br/>MODIFICATION TO DEVELOPMENT APPROVALS DA02,03,04</i> |                    |                           |
| Your interest in the planning application (circle relevant option below)  |  |   |                    |                           |
| You are the APPLICANT <input checked="" type="radio"/> 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 | Amount/ value of donation |
| <i>N/A.</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>JM Vozzo 10/5/18</i>   |  |   |                    |                           |
| Name(s) <i>Jacqueline Marie Vozzo</i>   |  |   |                    |                           |

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 |
|-------------------------------------|--|---|--------------------|---------------------------|
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# Penrith Lakes Development Corporation

## S4.55 (1A) - Modification Application

Issue | 10 May 2018

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 253736-02

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# Document Verification

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# 1 Introduction

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PLDC are applying for a S4.55 (1A) modification of the existing consents to import Virgin Excavated Natural Material (VENM) and Excavated Natural Material (ENM) to the Penrith Lakes Scheme (hereafter referred to as the 'Scheme') in order to fulfil the approved final landforms.

This Modification Application outlines the background to the Penrith Lakes Scheme, the reason for the modification application and presents an environmental risk assessment to determine any potential impacts as a result of importing VENM/ENM to fulfil the approved final landforms.

In summary, this Modification Application seeks to modify the existing consents to permit the importation of an additional 300,000 tonnes of VENM/ENM.

A separate modification application has been lodged which seeks to modify the existing consents to increase the permitted importation of VENM/ENM from eight (8) million tonnes to thirteen (13) million tonnes (Related Modification Application). The Related Modification Application was lodged under section 4.55 (2) of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act).

This Modification Application is an interim measure to permit continued importation of VENM/ENM at the Scheme pending the determination of the Related Modification Application.

## 1.1 Scheme background

PLDC currently has approval to import up to eight million tonnes of VENM/ENM to the Scheme. This is to allow previously approved landform profiles, set out in the two-year plans from 1990, 2000, 2001 and 2013, to be delivered. The importation of VENM and ENM at the Scheme is anticipated to reach eight million tonnes at the end of May 2018.

The latest two-year plans for the Scheme, titled Northern Lot 4 Precinct Two Year Plans, were approved by the Department of Planning and Environment in October 2016. In order to deliver the approved landform profiles for the Northern Lot 4 Precinct, an additional five million tonnes of VENM/ENM will need to be imported. Figure 1 shows the Scheme boundary (red dashed line) and the approved Northern Lot 4 Precinct bounded by the solid red line for which additional VENM/ENM import is required. Figure 2 shows the landform plan, approved by the Department of Planning and Environment, for the Northern Lot 4 Urban Precinct.

Figure 1: Scheme Boundary (dashed line) and the Northern Lot 4 Precinct (solid line)





Figure 2: Landform Plan approved as part of the two-year plan, October 2016



The requirement for additional importation can be explained as follows:

- The Lot 4 Urban North landform design is one metre higher than Deed requirements in order to comply with the January 2017 amendment to the State Environmental Planning Policy (SEPP) for the Scheme. This amendment requires the Flood Planning Level to be able to withstand a 1:100 year flood event plus one metre;
- The approved two-year plan for Lot 4 Urban North landform design requires additional fill in comparison to the previously approved landform that was previously approved in 2014; and
- Geotechnical pre-load requirements for completed landform areas requires additional VENM/ENM to be imported.

The Related Modification Application under section 4.55 (2) of the EP&A Act has been lodged with the Department of Planning and Environment for the required additional five million tonnes of VENM/ENM. This application is being processed by the Department of Planning and Environment, however it is very unlikely to be determined until after the current consent of eight million tonnes of VENM/ENM import has been reached. This has an effect on PLDC's operations and their contractual agreements with suppliers and contractors. This may also have potential flow-on effects for the construction and delivery of major infrastructure projects across Sydney. Currently, PLDC receives the majority of their VENM/ENM importation from large infrastructure projects and remaining requirements from private developments.

## 1.2 Modification Application

As an interim solution, this Modification Application for importation of an additional 300,000 tonnes of VENM/ENM is proposed to be submitted to the Minister of Planning under section 4.55 1(A) of the EP&A Act.

This Modification Application seeks to modify the existing development consents associated with the Scheme (DA02, DA03 and DA04) to authorise the importation of an additional 300,000 tonnes of the VENM/ENM to the Scheme. The requested modification would result in a change to the wording of Condition 49C of DA02, Condition 41C of DA 03 and Condition 48C of DA04 to read:

*“The importation of VENM and ENM shall be limited to 8.3 million tonnes at maximum rate of three million tonnes per year.”*

## 2 Legislation

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Subsection 1(A) of Section 4.55 of the EP&A Act applies to modifications involving minimal environmental impact and states:

*“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- a) It is satisfied that the proposed modification is of minimal environmental impacts, and*
- b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- c) It has notified the application in accordance with:*
  - i. The regulations, if the regulations so require, or*
  - ii. A development control plan, if the consent authority is a council that has made a development control plan that requires the*

*notification or advertising of application for modification of a development consent, and*

- d) It has considered any submission made concerning the proposed modification within any period prescribed by regulations or provided by the development control plan, as the case may be."*

Table 1 provides a comparison of this Modification Application with the criteria which are required to be met for the application to be submitted under Section 4.55 1(A) of the EP&A Act. Table 1 shows that section 4.55 1(A) is a suitable pathway for the Modification Application.

Table 1: Summary of S4.55 1(A) criteria and the impact of the Modification Application

| <b>S4.55 1(A) Criteria</b>           | <b>PLDC Modification Application for 300,000 tonnes</b>   |
|--------------------------------------|---|
| Minimal environmental impact         | The Environmental Risk Assessment presented in Section 4 indicates negligible environmental impacts.  |
| Substantially the same project       | Further information in Section 3 below <ul style="list-style-type: none"> <li>- Nature of the project stays the same to fulfil the landform requirements approved by Department of Planning and Environment</li> <li>- Same site location</li> <li>- No changes to operational days or hours</li> <li>- No changes to access routes</li> <li>- Same truck movements as existing</li> <li>- No changes to environmental management procedures</li> </ul> |
| Regulations/Development Control Plan | No Development Control Plan for the Scheme so therefore these criteria do not apply.  |
| Submissions                          | Submissions received on other modification applications for the Scheme have been considered and responses will be provided to any submissions made on this application.   |

### 3 Comparison of Approved Project and Modification Application

The table below (Table 2) provides a comparison between the existing approved VENM importation at the Scheme and this Modification Application. The table shows that the proposed modification results in minimal changes compared with currently approved Scheme and confirms that the modification would be substantially the same development as last modified.

Table 2: Comparison of Approved and Proposed projects

| Item                           | Approved Scheme  | Proposed Modification  | Difference   |
|--------------------------------|--|--|--|
| Source                         | Various source locations in Sydney Metropolitan Area   | Various source locations in Sydney Metropolitan Area   | None   |
| Timing                         | Commencing early to mid-2015 once quarrying operations have ceased.  | Commencing end of May 2018 when the approved importation total of eight million tonnes has been reached                      | Importation will continue for a period of 6-8 weeks from the end of May/ June 2018.  |
| Type of fill                   | VENM and ENM   | VENM and ENM   | None   |
| Amount of fill                 | Eight million tonnes at a maximum import rate of three million tonnes per year   | Additional 300,000 tonnes  | Additional 300,000 tonnes  |
| Location of fill at site       | Selected areas throughout DA2, DA3, DA4 required to fulfil the combined two year plans which relate to the entirety of Lot 4.  | Selected areas throughout DA2, DA3, DA4, to produce the approved landform levels for the Northern Lot 4 Urban Precinct area. | The fill will be focussed on a specific area of the site (see Figure 1 and Figure 2) |
| Haulage route                  | Prescribed haulage routes depending on source of fill  | Prescribed haulage routes remain the same depending on source of fill.   | None   |
| Access Points                  | Three access points proposed to be utilised, however upgrades required to one of the access points were never completed therefore truck entry to the site has been via Gate 1 and 2 in recent years. | Two access points proposed to be utilised. No changes to access point required.  | None   |
| Noise                          | Traffic haulage route to avoid exceedances of criteria   | Traffic haulage route to avoid exceedances of criteria   | None   |
| All other environmental issues | Management measures in place   | Management measures in place. No change to the environmental management measures are proposed.                               | None   |

## 4 Environmental Risk Assessment

This Risk Assessment (Table 4) provides a summary of the potential environmental impact associated with the continuation of importation of VENM/ENM into the Scheme for an additional 300,000 tonnes. The risk assessment assigns a level of significance to each issue based on the extent and likelihood of:

- Potential impact with consideration of mitigation or management measures; and,
- Potential community or regulatory concern.

To aid in the assessment of the potential impacts and to ensure consistency between environmental topics, significance criteria have been defined which follow the framework shown in Table 3. These have been used to guide the evaluation of potential environmental impacts unless otherwise stated.

Table 3: Significance Criteria

| Significance | Impact Classification                       | Criteria   |
|--------------|---|--|
| High         | Impact a major problem                      | These effects are likely to be important considerations at a local scale but if adverse, are potential concerns to the continuation of the project.<br>Mitigation measures and detailed design work are unlikely to remove all the effects upon the affected communities or interests. Residual effects would remain.  |
| Moderate     | Impact moderate but can be easily mitigated | These effects, if adverse, while important at a local scale, are not likely to be key decision making issues. Nevertheless, the cumulative effects of such issues may lead to an increase in the overall effects upon a particular area or on a particular resource.<br>They represent issues where effects would be experienced but mitigation measures and detailed design work may ameliorate/enhance some of the consequences upon affected communities or interests. Some residual effects would still arise. |
| Low          | A small and acceptable impact               | These effects may be raised as local issues, but are unlikely to be of importance in the decision making process. Nevertheless, they are of relevance in enhancing the subsequent design of the project and consideration of mitigation or compensation measures.  |
| Negligible   | Minimal Change                              | No effects or those that are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error.  |

The environmental issues that are addressed in the risk assessment are under the following headings:

- Traffic and Access
- Noise and Vibration
- Air Quality
- Water Quality
- Soils, Geology and Contamination
- Flora and Fauna
- Waste
- Indigenous Heritage
- Non-Indigenous Heritage
- Landscape and Visual
- Flooding

Table 4: Environmental Risk Analysis

| Issue                        | Potential Environmental Impact   |
|------------------------------|--|
| <b>Traffic and Transport</b> | <p>It is anticipated that the importation of VENM/ENM would occur at the same scale and frequency as currently occurring. PLDC are currently received between 200 and 250 trucks per day, therefore a continuation of these movements would be anticipated to transport the material for 6 – 8 weeks.</p> <p>As quarrying export ceased onsite in mid-2015, with an overall reduction in total truck movements associated with the Scheme site, continued importation operations at existing levels is considered acceptable. Truck entry via two access points (Gates 1 and 2) and approved haulage routes will be retained. In addition, the Construction Traffic Management Plan and the measures set out within would remain in force.</p> <p><b>Negligible environmental significance</b></p> |
| <b>Noise and Vibration</b>   | <p>Continued movement of Heavy Duty Vehicles will continue to generate noise, however, it is considered that noise and vibration impacts would be the same as the existing situation from 2015 to 2018 where importation occurs at the same scale and frequency. Existing management measures are recommended to be maintained to ensure EPL conditions relating to noise continue to be met.</p> <p>There have been no noise complaints received by PLDC in recent years.</p> <p><b>Negligible environmental significance</b></p>   |



| Issue                                  | Potential Environmental Impact  |
|--|---|
| <b>Air Quality</b>                     | <p>Continued movement of Heavy Duty Vehicles will contribute to local pollutant concentrations, however, it is considered that air quality impacts would be the same as the existing situation from 2015 to 2018 where importation occurs at the same scale and frequency.</p> <p>Existing management measures are recommended to be maintained to ensure EPL conditions relating to dust and air quality management continue to be met.</p> <p>PLDC have received minimal dust complaints in the past relating to dust coming off landform areas within the Scheme in times of high winds. PLDC has implemented procedures to guard against future complaints. For example – in periods of high winds, reduced site activities &amp; additional water carts, asphalt sealing of exit roads, topsoil &amp; grassing of completed landform areas and capping of haul roads with crushed sandstone.</p> <p><b>Negligible environmental significance</b></p> |
| <b>Water Quality</b>                   | <p>As a result of the proposed modification there would be limited potential for additional sediment to enter the waterway system with an increase in the complexity of transport and soil movement. Increased sediment in the system may lead to increased turbidity, TDS and TSS, as well as associated impacts on ecosystem health.</p> <p>However, management measures, including those included in previous consent conditions would continue to be put in place. If these measures are implemented and adhered to, effects of the modification would be negligible.</p> <p>There have been no pollution incidents relating to water quality recorded by PLDC.</p> <p><b>Negligible environmental significance</b></p>   |
| <b>Soil, Geology and Contamination</b> | <p>Controls have been put in place as part of the existing operations to ensure that the fill meets the geotechnical and contamination criteria for the site. Stringent testing of soil prior to transport from the source will ensure that it is unlikely that contaminants would be introduced to the Scheme site from the VENM and ENM. Where existing control measures continue to be implemented there will be no effect on soils and geology, and no risk of contamination.</p> <p><b>Negligible environmental significance</b></p>   |
| <b>Flora and Fauna</b>                 | <p>The existing flora and fauna values of the site are greatly reduced from original pre settlement levels. The site contains few native species of flora and is highly disturbed.</p> <p>For the proposed modification, as VENM/ENM is required for the rehabilitation of the Scheme and revegetation will occur once the development is finished, the effects of the proposed modification contributes to a positive impact compared to the historical/existing situation.</p> <p><b>Negligible environmental significance</b></p>  |

| Issue                          | Potential Environmental Impact  |
|--------------------------------|---|
| <b>Waste</b>                   | <p>The proposed modification to import VENM/ENM does not produce additional waste, thus the impact of the proposed modification with respect to waste management at the Scheme is considered to be negligible.</p> <p><b>Negligible environmental significance</b></p>  |
| <b>Indigenous Heritage</b>     | <p>Oral histories of the area talk about the escarpment and the associated lagoons as forming an important meeting or gathering place for different clans of the Darug People. Evidence from archaeological studies carried out by PLDC in partnership with the Aboriginal community, supports the idea that large gatherings occurred in this area.</p> <p>Due to extensive market garden farming and quarrying prior to PLDC activities on site the topsoil layer has been significantly disturbed greatly compromising the integrity of archaeological discoveries.</p> <p>This proposal will not result in the disturbance of any additional top soils. However, if any new or unknown Indigenous sites or relics are uncovered during the proposed activities, work affecting those sites or relics will cease immediately and the material will be assessed by Aboriginal stakeholders and OEH, in accordance with current consent conditions (Aboriginal Heritage Impact Permit (AHIP number 1131345).</p> <p><b>Negligible environmental significance</b></p> |
| <b>Non-Indigenous Heritage</b> | <p>Retained within the Penrith Lakes Scheme are a number of conservation zones which range from local to national significance. These sites are indicative of early colonial (1806 – 1900's) contact and non-Indigenous heritage. There are no non-indigenous heritage sites within the Northern Lot 4 Urban Precinct area where the additional imported fill will be used.</p> <p>Impacts on non-indigenous heritage items from vehicles transporting material to and around site are not predicted to change from existing levels. Management measures as well as the appropriate curtilages will remain in place, and heritage items within the scheme are not predicted to be adversely affected.</p> <p><b>Negligible environmental significance</b></p>   |
| <b>Landscape and Visual</b>    | <p>The landscape of the site has been altered over time through extraction activities, filling of the areas, lake formation and the construction of roads and other infrastructure. Following extraction for mining purposes, the excavated areas are filled and revegetated with suitable species. The importation of material is required to achieve levels previously consented as part of the Deed requirements as well as the approved two year plans. It should be noted that the Northern Lot 4 Urban Precinct area landform design is one metre higher than Deed requirements to comply with future flood plans.</p> <p>The proposal will not result in significant change of the proposed and approved landform.</p> <p><b>Negligible environmental significance</b></p>   |

| Issue           | Potential Environmental Impact   |
|-----------------|--|
| <b>Flooding</b> | <p>One of the reasons for requiring additional fill is to comply with the January 2017 SEPP amendment for Flood Planning Level which has been set at a 1:100 year flood level plus one metre. As a result, the Northern Lot 4 Urban Precinct design is one metre higher than deed requirements to provide beneficial results in regard to flooding.</p> <p>The proposed modification will enable PLDC to comply with the January 2017 SEPP amendment by allowing the landform to be rehabilitated to one metre above the 1:100 year flood level.</p> <p><b>Negligible environmental significance</b></p> |

The Modification Application is considered to have a negligible effect for all environmental topics assessed, where existing management measures required as part of the Environment Protection Licence (No. 2956) and current DA continue to be implemented.

## 5 Conclusions

The Scheme currently has approval to receive eight million tonnes of VENM/ENM, generally sourced from major infrastructure projects and private developments across Sydney. This total is due to be reached by the end of May 2018. To allow PLDC to deliver the agreed landform profiles for the Scheme (as part of the two-year plans process), the Related Modification Application has been lodged by PLDC with the Department of Planning and Environment for an additional five million tonnes of VENM/ENM. This is being processed by the Department of Planning and Environment however this is very unlikely to be determined prior to the previously consented eight million tonnes limit being reached. To allow PLDC to continue their operations, this Modification Application for an additional 300,000 tonnes of VENM/ENM is to be submitted to the Department of Planning and Environment under section 4.55 (1A) of the EP&A Act.

A review of the potential environmental impacts associated with the Modification Application for an additional 300,000 tonnes of VENM/ENM to be imported to the Scheme has been undertaken. The risk assessment identified a negligible effect for all environmental topics assessed, where existing management measures required as part of the Environment Protection Licence and current DA continue to be implemented.

As the proposed modification would result in negligible environmental effects and would remain substantially the same development, it is considered appropriate that this Modification Application is dealt with under section 4.55 1(A) of the EP&A Act.