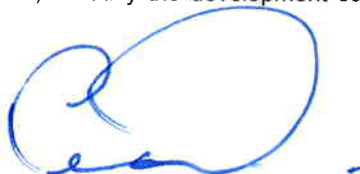


Notice of Modification

Section 96(2) of the *Environmental Planning & Assessment Act 1979*

Under the Minister for Planning's delegation of 4 March 2009, I modify the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson
Executive Director

Sydney

15th January

2010

File: R97/00029

This consent is modified by:

1. Replacing Schedule 1 with the following:

SCHEDULE 1

Development consent:

The development consent (DA 11-01-99) granted by the Minister for Urban Affairs and Planning on 12 November 1999.

In respect of:

Development application 11-01-99 made by the Waste Recycling and Processing Service of NSW and Sutherland Shire Council ("the Applicants" – note that the term "the Applicants" is used generically in this instrument. The roles and responsibilities of the Waste Recycling and Processing Service of NSW and Sutherland Shire Council shall be in accordance with the terms of the deed of agreement addressed in Condition 10 of the consent), in relation to land described as Lots 4, 5, 6 and 7 (formerly Lot 1 DP 1027216 and Lot 3 DP 1142918 Crown Land, Portion 126), Lot 24 DP 874608, Lot 2 DP 605077, Lot 1 DP 804455, Lot 10 DP 837126, Lot 102 DP unregistered, and Lot 101 DP unregistered, New Illawarra Road and Heathcote Road, Sutherland Shire.

For the following:

The expansion of the capacity of the Lucas Heights Waste Management Centre and the progressive redevelopment of the site for recreational purposes;
The development of composting and recycling facilities including a Green Waste Processing and Composting Facility (GWPCF) and a biowaste facility at the Lucas Heights Waste Management Centre;
The diversion of dry waste and clean fill from the Lucas Heights Waste Management Centre to the area known as Lucas Heights 1 and the progressive development of a local and regional multi-purpose sporting and recreational complex at the site;
The establishment of an area known as the Lucas Heights Conservation Area to the immediate north of the Lucas Heights Waste Management Centre.

SCHEDULE 2

2. Replace Condition 1 in Schedule 2 with the following:

1. The Applicant shall carry out the project generally in accordance with the:
 - a) DA No 11-01-99;
 - b) The EIS prepared by National Environmental Consulting Services dated 1998;
 - c) Amended DA and accompanying Assessment report prepared by National Environmental Consulting Services dated 27 April 1999;
 - d) Modification application DA 80-04-01 dated 5 June 2001, to enable a maximum of 1.2 million tpa of waste to be received at the LHWMC for the period up to 30 June 2002;
 - e) Modification application DA 135-12-2004-i dated 23 December 2004, and accompanied by *Lucas Heights 1 – Amendment to Dam Design: Section 96 Modification Application: Statement of Environmental Effects*, prepared by GHD Pty Ltd and dated December 2004;
 - f) Modification application MOD-123-8-2005-i dated 2005, for removal of restriction to source 80% of waste from the Southern Sydney Waste Planning and Management Board region.
 - g) Modification Application DA 11-01-99-MOD 4 dated 29 November 2007, for amended clubhouse layout and construction in four separate stages as detailed in the modification application submitted by Sutherland Shire Council; and
 - h) Modification Application DA 11-01-99 MOD 5 dated 13 November 2009, for Subdivision of Lot 1 DP 1027216 and Lot 3 DP1142918 to create four new allotments, and accompanied by *'Lucas Heights 1' Waste and Recycling Centre, Subdivision to Create Separate Lots to Support an Existing Leachate Treatment Plant and Storm Surge Storage, Statement of Environmental Effects*, prepared by WSN Environmental Solutions and dated 19 November 2009.
 - i) Conditions of this approval.

In the event of an inconsistency between this consent and DA No. 11-01-99 (and accompanying EIS), this consent shall prevail.

3. Insert new Condition 6a -6d directly after Condition 6 in Schedule 2:

Subdivision & Easements

- 6a The Applicant shall carry out the subdivision in accordance with the Plans of Subdivision detailed in DA 11-01-99 MOD 5 application documentation and Appendix 1 of this consent.
- 6b Prior to the issuing of the subdivision certificate, the Applicant shall ensure that each lot is connected to services, drainage and utilities and provide documentary evidence of the proposed easements to the accredited certifier or Council.
- 6c Easements for services, drainage, maintenance or any other encumbrances and Indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over those lots pursuant to the *Conveyancing Act, 1919*.

Note: Any easements in the subdivision plan must nominate Sutherland Council as the authority to release, vary or modify the easement. The form of the easement must be in accordance with Council's standard recitals for terms of easements, or the standard form for easements accepted by the Department of Lands.

- 6d All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Applicant.

APPENDIX 1

Subdivision Plan (approximate only) for Lucas Heights 1

