

17/12/15

  
Orchard Hills 2748

NSW Planning & Environment  
Planning Services  
Acting Director – Industry Assessments

### **Modification Request**

#### **Patons Lane Landfill & Resource Recovery Centre Application Number: 09\_0074 MOD1**

I wish to object to the Modification Request submitted by EMGA Mitchell McLennan Pty Ltd.

My reasons for objection are as follows:

On the 13<sup>th</sup> July 2012 the Land & Environment Court of New South Wales under Commissioner of the Court Annelise Tuor approved the project application MP09\_0074.

The local and extended community fought very hard during the court case to maintain a true and just decision, which was made for the protection of the community, environment and our existing way of life.

Part of the projects approval was a very extensive, involved and protective “Conditions of Consent” which were generated to pass the project for the application yet also protect, control and satisfy the community on all the issues that may arise with such a sensitive development.

Since that approval date of 13<sup>th</sup> July 2012, the proponent at that time “Dellara Pty Ltd” went bankrupt as it was identified not to be financially beneficial to commence the project as all the protective “Conditions of Consent” would be too expensive to adhere to.

Since then, under the new ownership of SCR properties, the protective and restrictive “conditions of consent” are already being potentially compromised to make the project financially viable to the new owner.

I believe it is not just for one company “Dellara” to have the project passed yet not be able to commence the project as they identified it to be financially unviable, yet another company “SCR Properties” is able to purchase the site/project and be able to have the protective “conditions of consent” altered as to make it financially viable.

SCR Properties purchased the site/project with known “conditions of consent”, two being the six month site establishment clause and the five year initiation

clause. These conditions were evident and transparent at the time of initial project approval and at the time of sale.

For the Minister for Planning to approve any modification Request to this project by any applicant is not only inconsistent with the original approval to "Dellara" but an indication that all the "conditions of consent" are susceptible to alterations and change to suit the financial viability to any applicant .

For these "conditions of consent" to be modified to suit SRC Properties at the initial stage of any works being done at the Patons Lane site is a true indication that the "conditions of consent" were only issued to satisfy the community and the conditions will only be fragmented to a point where they no longer become protective and restrictive as they were firstly sold to the community on completion of the court case.

Regards

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