

TBA

Mr B King
80A Long Street
SMITHFIELD NSW 2164

Dear Sir/Madam

**PREMISES: 7 LONG STREET, SMITHFIELD
SECTION 4.55(2) MODIFICATION TO DEVELOPMENT CONSENT NO. 2015/529/1
MODIFICATION NO. 2015/529/3**

I refer to your application lodged on 5 October 2018 seeking amendment to Development Consent 2015/529/1 issued for the *Installation and use of an existing industrial site as a sludge dewatering plant*. The subject Section 4.55 (2) modification application is seeking to allow for truck movements 24 hours a day seven (7) days a week in association with the sludge dewatering plant by amending condition 64 of the original Development Consent 2015/529/1.

Pursuant to Section 4.55(2) of the Environmental Planning & Assessment Act, 1979, Council grants approval for the modification sought.

Accordingly, Development Consent 2015/529/1 is amended as follows:-

Condition 2 is amended to read:

2. Development shall take place in accordance with the attached endorsed plans:
 - Architectural plans prepared by d'Riva Designs, Job No. 0332, Drawing No. DA-01, dated September 2015, as amended by Condition 18;
 - Environmental Impact Statement (EIS) prepared by Benbow Environmental, Report No. 151121_EIS_Rev3, dated 6 November 2015 and all appendices contained therein, and Addendum Report prepared by Benbow Environmental, Reference No. 151121_EPA letter_Rev3, dated 19 February 2016;
 - General Terms of Approval issued by the NSW Environmental Protection Authority, Notice No. 1538834, dated 18 March 2016; and
 - Correspondence received from Endeavour Energy dated 15 September 2016.
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

As amended by S96(1A) 2015/529/2 approved on 29 August 2017:

- Architectural plans prepared for Demast Pty Ltd, Job No. 101, Drawing No. Rev 2.1 Issued for CC, dated May 2017, as amended by Condition 18; and
- Correspondence received from Endeavour Energy dated 2 May 2017.

As amended by the following plans approved by the subject Section 4.55 (2) modification application 2015/529/3 dated (date of determination to be inserted here):

- Noise Specific Statement prepared by Benbow Environmental, Reference: 151121-04_Let_Rev2, dated 27 August 2018;
- Amended General Terms of Approval issued by the NSW Environmental Protection Authority, Notice No. 1572500, dated 19 November 2018 and all conditions contained therein;
- Traffic movement route map for night time operation submitted to Council on 31 January 2019; and
- Correspondence received from Endeavour Energy dated 7 December 2018.

Condition 64 is amended to read as:

Condition 64: Truck movements to and from the site associated with the sludge dewatering plant are permitted 24 hours a day, seven days a week.

Condition 64a is inserted to read as:

Condition 64a: The traffic movement route map for night time operation shall be adhered to at all times.

Condition 77a is inserted to read as:

Condition 77a: The use of the premises shall not create '*offensive noise*' as defined in the provisions of the *Protection of the Environment Operations Act 1997*.

Condition 84a is inserted to read as:

Condition 84a: In accordance with the General Terms of Approval (GTA) provided by the NSW Environmental Protection Authority, the applicant shall investigate measures to limit the noise impacts of reverse tones of on-site plant, in order to reduce the effects of sleep disturbance on the neighbouring community.

All other conditions of Development Consent 2015/529/1 and as amended remain unchanged.

Note: This determination notice is strictly for the changes sought under the modification application 2015/529/3. No approval is implied or granted for any other works/changes proposed to the subject development.

Section 8.9 of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 4.55(2) a right of appeal to the Land and Environment Court.

Section 8.2 of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 4.55(2) Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

If you have any further enquiries please contact Ms N Aamir of Council's Environment & Infrastructure Division on 02 8757 9972, Monday to Friday.

Yours faithfully,

Sohail Faridy

COORDINATOR DEVELOPMENT ASSESSMENT