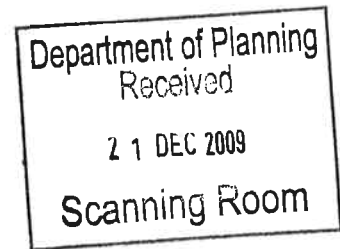
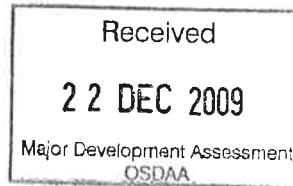




14th December 2009

Chris Ritchie
Manager – Manufacturing and Rural Industries
Major Development Assessment
Department of Planning
P.O. Box 39
Sydney NSW 2001



Attention: Felicity Greenaway

RE: Application to Modify Clyde Transfer Terminal Conditions of Development Consent (DA 205-08-01)

Veolia Environmental Services (Veolia) hereby submits a Application to Modify a development consent for DA 205-08-01, Clyde Transfer Terminal (the Terminal) Conditions of Development Consent (COCs) pertaining to environmental monitoring conditions 49,97 108-110.

Veolia would like noted that due to ongoing residential site access issues (refer to attachment 2) Veolia are no longer able to conduct any monitoring for conditions placed on the residential site in regards to the COC's. Veolia believe this not to be a non-conformance due to condition 6 stating "The applicant must bring to the attention of the Director-General any matter that may require further investigation, or the issuing of instructions from the director general to enable compliance with these conditions. The applicant shall comply or ensure compliance with any instruction issued by the director general to enable compliance with this condition."

Veolia have complied with this condition by notifying the Director-General (attachment 2) of ongoing monitoring issues and have investigated alternative methods to comply without success (attachment 2). Veolia therefore believe all obligations to notify the Director-General of the ongoing issue has occurred.

If there are any questions please do not hesitate to call me on (02) 9841 2926

Yours Sincerely,



Veolia Environmental Services
Toni Soster
Environmental Management Representative

Attachment 1 Application to modify development consent
Attachment 2 Veolia correspondence dated 15th of September 2009

Please Note: As per the conversation between myself and Felicity Greenaway on the 14th of December 2009. Payment for this modification will be sent to the Department on the 29th of December 2009.



Application to modify a development consent



Date received: ____/____/____ DA modification no: _____

You can use this form to apply to modify a development consent given by the Minister of Infrastructure, Planning and Natural Resources. 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.

To complete this form, please place a cross in the boxes ☐ and fill out the white sections as appropriate. **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.

1. Details of the applicant

NAME

Mr ☐ Ms ☐ Mrs ☒ Dr ☐ Other

First name

Toni

Family name

Soster

Company/organisation

Veolia Environmental Services Australia

ABN

2005131658
4

STREET ADDRESS

Unit/street no.

crn

Street name

Unwin and Shirley Streets

Suburb or town

Rosehill

State

N.S.W

Postcode

2142

POSTAL ADDRESS (or mark 'as above')

PO Box 171

Suburb or town

Granville

State

N.S.W

Postcode

2142

CONTACT DETAILS

Daytime telephone

98412926

Fax

98412995

Mobile

0429664838

Email

toni.soster@veolia.com.au

2. Identify the land

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

322

Street or property name

Parramatta Road

Suburb, town or locality

Auburn

Postcode

2144

Local government area

Auburn Council

Lot/DP or Lot/Section/DP or Lot/Strata no. ⁽¹⁾ ⁽²⁾

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.

Lot 201 DP1007683

(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 Department of Lands for updated details.

(2) Note: If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

3. Details of the original development consent

Describe what the original consent allows

Construction, Monitoring and Operation of a Waste Transfer Terminal.

What is the development application no.?

205-08-01

What is the date of consent?

08/12/2003

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

\$ 7 million

4. 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)

To eliminate all Dust and TSP monitoring of the known premises (residential site) located at 10 William st Granville in regards to conditions 49 & 97 of the COC's . Following a review of the monitoring requirements within the COCs and five (5) years of historical dust and TSP monitoring data Veolia finds that no exceedances have been recorded at the Premises that could be directly related to any construction or operational activities carried out at the Terminal since the commencement of waste operations in 2004. (please refer to Veolia correspondence to the DoP dated 15th of September 2009 attachment 1)

Operational noise monitoring (Conditions 108 -110) is a requirement under both the COCs and the EPL. No noise complaints have been received to date against the Terminal. Based on previous information submitted to the DoP (refer to attachment) Veolia understands that the noise emitted from the Terminal whilst operating under normal conditions is generally consistent with the background industrial noise levels. Veolia therefore proposes that the requirement for operational noise monitoring be removed from both the Terminal and the Premises, noise will continue to be regulated as per the terminals DECCW licence EPL 11763 part L6.

- ☐ 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).

No change to Operation, only Dust, TSP and noise monitoring conditions altered &/or removed.

If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the National Parks and Wildlife Service to your application.

5. 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)

0

Operation jobs (full-time equivalent)

0

6. 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: Advertising fees attract GST, all other fees do not. Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

0

Total fees lodged

\$500

7. Signatures

The owner(s)* of the land being developed must sign the application.

If you are not the owner of the land, you must ask the owner(s) of the land to sign the application. If the land is Crown land, an officer of the Department of Infrastructure, Planning and Natural Resources (previously known as Department of Land and Water Conservation) must sign the application.

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

Signature

Name

Date

Signature

Name

Date

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

The applicant, or the applicant's agent, must sign the application.

Signature

Name, if you are not the applicant

Date

In what capacity are you signing if you are not the applicant?

General Manager Solid
Resource Recovery

8. 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