



Project Name: MOD 3 - Increase clay/shale extraction dispatch limit
Case ID: MP09_0074-Mod-3

Applicant Details

Project Owner Info

Title	Mr
First Name	Brad
Last name	Searle
Role/Position	Executive General Manager Development
Phone	0408204054
Email	brad.searle@bingoindustries.com.au
Address	305 PARRAMATTA ROAD AUBURN , New South Wales, 2144 , AUS

Company Info

Are you applying as a company/business?

Yes

Company Name	BINGO RECYCLING PTY LTD
ABN	82163894362

Primary Contact Info

Are you the primary contact?

Yes

Title	First Name	Last Name
Mr	Brad	Searle
Phone	Email	Role/Position
0408204054	brad.searle@bingoindustries.com.au	

Address

305
PARRAMATTA ROAD
AUBURN, New South Wales 2144
AUS

Political Donations

Do you need to disclose a political donation?

No

Modification Details

Project Info

Project Name	MOD 3 - Increase clay/shale extraction dispatch limit
Additional Estimated Development Cost (excl GST)	AUD0.00
Additional Operation Jobs	0
Additional Construction Jobs	0
Additional Dwellings	0

Modification Description

SRC Operations are seeking approval under Section 4.56 of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) to modify (the modification) State significant development (SSD) consent MP09_0074 (the consent) to:

- Increase the maximum approved extraction and despatch limit for clay and shale from 160,000 tonnes per annum (tpa) to 500,000 tpa.
- Increase the maximum approved daily truck movements from 256 to 570 to accommodate the increased extraction limit.

How is the modification substantially the same as the original development?

Applying the three-stage assessment process and considering the comparative task guided by recent case law, the modification will have the 'same essence' and be materially the same as the approved development under MP09_0074. The comparison, encompassing both quantitative and qualitative factors, demonstrates that the modification is an alteration to, rather than a radical transformation of, the originally approved development.

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Site Details

Site Information

Site Name	Orchard Hills Waste Facility
Site Address (Street number and name)	123 - 129 Patons Lane Orchard Hills New South Wales Australia 2748

Local Government Area

Local Government	District Name	Region Name	Primary Region
Penrith	Western City District	Sydney	<input checked="" type="radio"/>

State Significant Development - Identified Site

Is your proposal on an Identified Site?

Identified Site Name

Landowner's Consent

Is the applicant the sole owner of the land?

Yes
Does the modification application relate to land owned by a Local Aboriginal Land Council?
No

Statutory Context

Modification Type

Section 4.56 - modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same

Critical Habitat and Threatened Species

Is the land, or part of the land, critical habitat?

No
Is the development likely to significantly affect threatened species, populations or ecological communities, or their habitats?
No
Is the development biodiversity compliant? (refer to [section 28 of the Environmental Planning and Assessment Regulation 2021](#))
No

Sustainable Buildings SEPP

Is the development exempt from the [State Environmental Planning Policy \(Sustainable Buildings\) 2022 Chapter 3](#), relating to non-residential buildings?

- The DA was submitted on the NSW Planning Portal before 1st October 2023.
- The DA was submitted on the NSW Planning Portal on or after 1st October 2023 but was deemed exempt due to the reasons outlined in Chapter 3.1.

Yes
Have all the requirements of the [State Environmental Planning Policy \(Sustainable Buildings\) 2022](#) been met for the development that is the subject of this Modification Application?

No

Other Requirements

Is the modification application accompanied by a biodiversity development assessment report (BDAR)?

No
Does the modification application relate to residential apartment development and was the original development application required to be accompanied by a design verification statement from a qualified designer [Section 29 \(1\) of the Environmental Planning and Assessment Regulation 2021](#) ?

No
Does this modification application relate to a development for which the original development application was required to be accompanied (or in the case of BASIX optional development, was accompanied) by a BASIX certificate or BASIX certificates?

No

Approvals - Part 1

A permit under Section [201](#), [205](#) or [219](#) of the [Fisheries Management Act 1994](#)?*

No

An approval under [Part 4](#), or an excavation permit under [Section 139](#), of the [Heritage Act 1977](#)?*

No

An Aboriginal heritage impact permit under [Section 90](#) of the [National Parks and Wildlife Act 1974](#)?*

No

A bush fire safety authority under [Section 100B](#) of the [Rural Fires Act 1997](#)?*

No

A water use approval under [Section 89](#), a water management work approval under [Section 90](#) or an activity approval under [Section 91](#) of the [Water Management Act 2000](#)?*

No

Approvals - Part 2

Do you require any of the following approvals from [Section 4.42](#) of the **Environmental Planning and Assessment Act 1979, in order to carry out the development:**

An aquaculture permit under [Section 144](#) of the *Fisheries Management Act 1994*?*

No

An approval under [Section 15](#) of the *Mine Subsidence Compensation Act 1961*?*

No

A mining lease under the *Mining Act 1992*?*

Yes

A petroleum production lease under the *Petroleum (Onshore) Act 1991*?*

No

An environment protection licence under [Chapter 3](#) of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in [Section 43](#) of that Act)?*

Yes

A consent under [Section 138](#) of the *Roads Act 1993*?*

No

A licence under the *Pipelines Act 1967*?*

No

Modification Report and Attachments

Attachments

File Name	
PR396_PatonsLane_BINGO_Mod_R3	