

Department of Planning, Housing and Infrastructure

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# Modification 3 of Orchard Hills Waste and Resource Management Facility

State Significant Development Modification Assessment Report (MP09\_0074-Mod-3)

May 2026





# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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# Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of SRC Operations Pty Ltd's (a subsidiary of Bingo Industries Pty Ltd) application to modify the State significant development (SSD) consent for the Orchard Hills Waste and Resource Management Facility (MP09\_0074) located in the Penrith City local government area. The report includes:

- a description of the proposed modification
- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigation measures, community views and government advice, and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the consent should be modified and any conditions that should be imposed.

# Contents

<b>Preface</b> .....	<b>i</b>
<b>1 Introduction</b> .....	<b>1</b>
1.1 Modification Background.....	1
1.2 Subject Site.....	1
1.3 Approval History .....	5
<b>2 Proposed Modification</b> .....	<b>7</b>
2.1 Modification Overview.....	7
2.2 Applicant’s Justification for the Proposed Modification .....	7
<b>3 Strategic Context</b> .....	<b>8</b>
3.1 Key Strategic Issues .....	8
<b>4 Statutory Context</b> .....	<b>9</b>
4.1 Scope of Modification and Assessment Pathway .....	9
4.2 Other Approvals and Authorisations .....	9
4.3 Part 3A Transition to State Significant Development.....	10
4.4 Biodiversity Development Assessment Report .....	10
<b>5 Engagement</b> .....	<b>11</b>
5.1 Exhibition of the Modification.....	11
5.2 Summary of Advice Received from Government Authorities .....	11
5.3 Summary of Council Submission.....	13
5.4 Utility Provider Advice.....	13
5.5 Summary of Public Submissions .....	13
5.6 Submissions Report.....	14
5.7 Additional Information.....	17
<b>6 Assessment</b> .....	<b>19</b>
6.1 Traffic.....	19
6.2 Other issues.....	23
<b>7 Evaluation</b> .....	<b>28</b>

**8 Recommendation..... 29**

**9 Determination ..... 30**

**Glossary..... 31**

**Appendices..... 33**

Appendix A – List of Referenced Documents..... 33

Appendix B – Recommended Instrument of Modification..... 34

# 1 Introduction

The modification application seeks to modify the Orchard Hills Waste and Resource Management Facility (WRMF) development consent (MP09\_0074) to permit the increase in the maximum approved clay and shale extraction and dispatch from 160,000 to 500,000 tonnes per annum (tpa) at the former quarry void to provide the airspace required to maintain continuity of landfill operations at the approved landfill rate of 205,000 tpa.

The application was lodged on 8 October 2025 by SRC Operations Pty Ltd (the Applicant) pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A more detailed overview of the proposed modification is provided in **Section 2**.

## 1.1 Modification Background

SRC Operations Pty Ltd (a wholly owned subsidiary of Bingo Industries Pty Ltd) owns and operates a resource recovery facility and landfill at 123–179 Patons Lane, Orchard Hills (the site) within the Penrith Local Government Area (refer to **Figure 1**). The site is located within the former Erskine Park Quarry.

The approved development (MP09\_0074) comprises a resource recovery facility and non-putrescible landfill within the former quarry void. It includes the recycling and processing of construction and demolition (C&D) and commercial and industrial (C&I) waste, operation of a waste transfer station, continued clay/shale extraction and dispatch, residual waste landfilling and site rehabilitation.

C&D and C&I waste streams received at the WRMF including concrete, bitumen, bricks, roofing tiles, metals, plastics and cardboard, are recovered and recycled for reuse in the construction industry and other secondary markets, while residual materials that cannot be recovered are directed to the on-site landfill. Clay and shale extracted from the site are dispatched for third-party brick manufacturing.

Landfilling at the WRMF is dependent on the progressive extraction and dispatch of clay and shale, which creates the void space required to emplace residual waste. The Applicant has advised that the current extraction and dispatch rate of 160,000 tpa is not sufficient to create void space at a rate that keeps pace with the approved landfill rate of 205,000 tpa.

The modification seeks to increase the maximum annual extracted clay/shale dispatch rate from 160,000 tpa to 500,000 tpa to align void space creation with ongoing landfilling requirements and maintain continuity of landfill operations. It does not seek to amend the approved landfilling input rate or the total volume of clay/shale extraction and dispatch permitted over the life of the development.

## 1.2 Subject Site

The WRMF comprises approximately 60 hectares (ha) of land legally described as Lot 40 DP 738126.

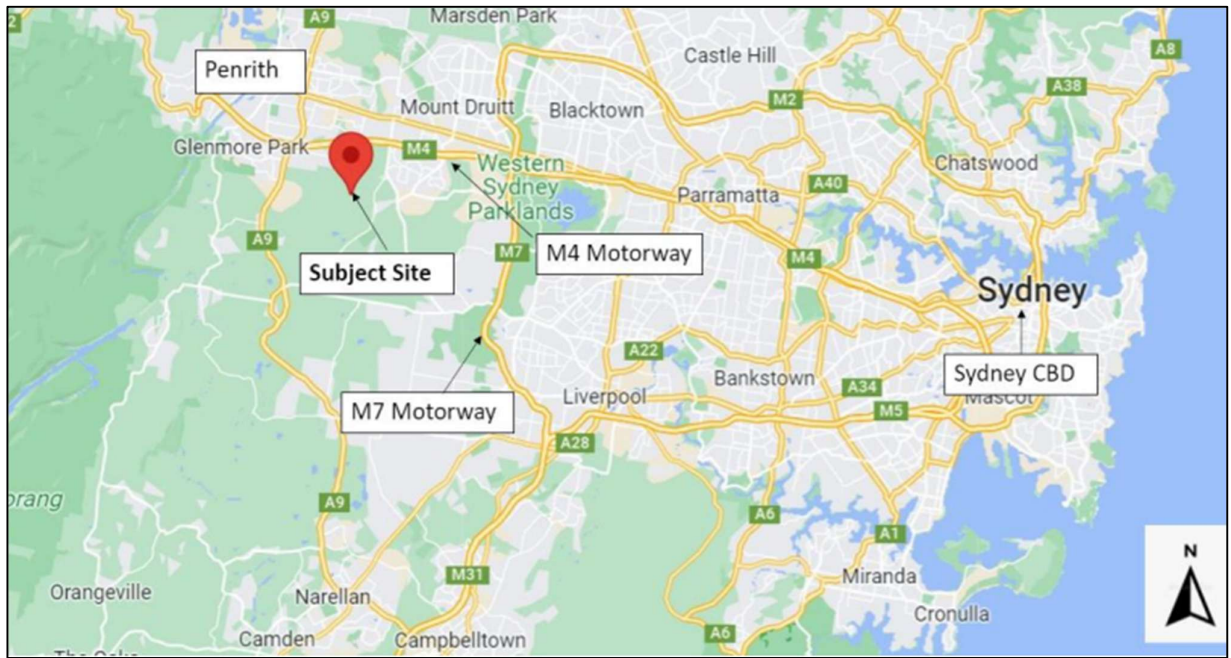
The WRMF is located approximately 50 kilometres (km) west of the Sydney Central Business District and benefits from proximity to major transport corridors, including the M4 Motorway and M7 Motorway, which provide strong regional connectivity to the broader Sydney metropolitan area (refer to **Figure 1**).

Blaxland Creek traverses the north-western corner of the site, where there are small pockets of remnant native vegetation (refer to **Figure 2**). The outer perimeter of the site is mapped as bushfire prone land, however, no works are proposed within these areas as part of this modification.

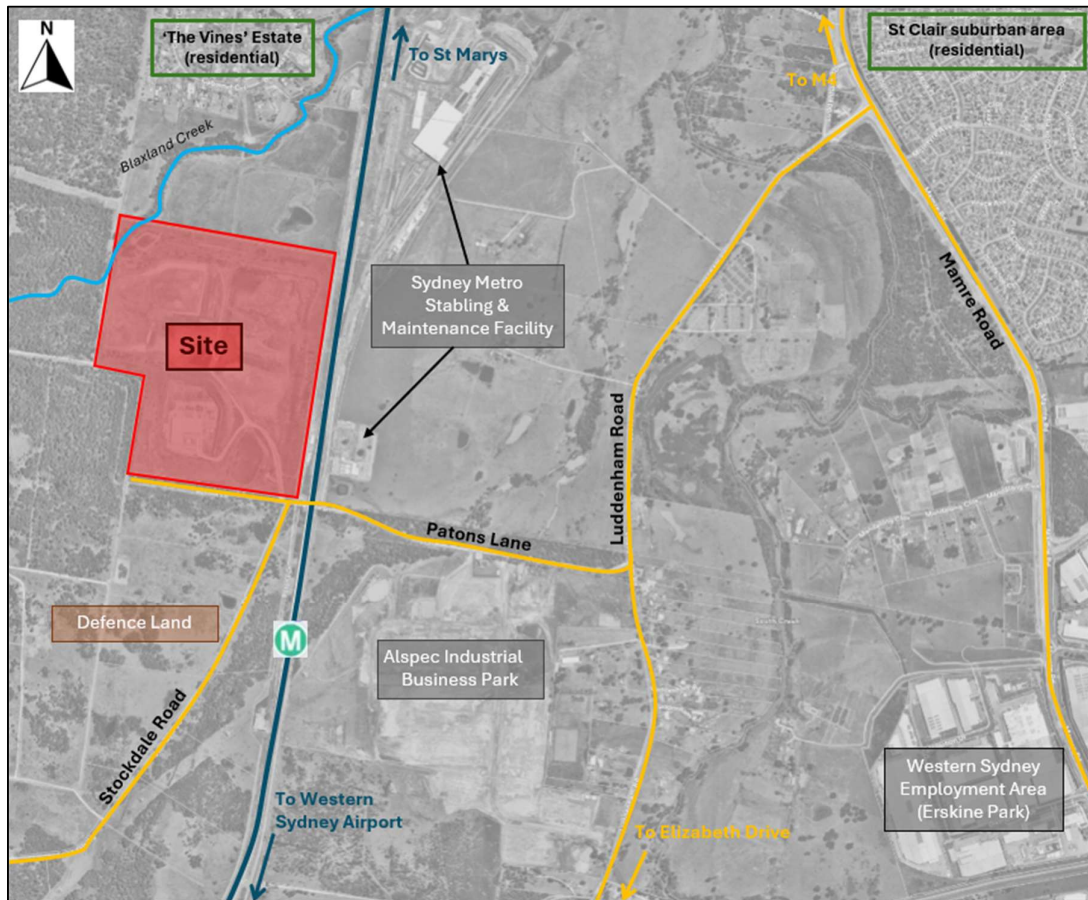
Nearby land-uses are shown in **Figure 2**, and include the following:

- the residential subdivision known as The Vines, located approximately 500 metres (m) to the north, with additional rural-residential dwellings located to the east of the site;
- large tracts of land owned by the Department of Defence immediately to the west, containing extensive areas of native vegetation
- the Alspec Industrial Business Park (AIBP) located to the south-east of the site
- the Sydney Metro – Western Sydney Airport Stabling and Maintenance facility (SMF), located to the south-east (currently under construction and expected to be operational by 2027)
- the established residential suburbs of St Clair and Erskine Park, located approximately 3 km to the east
- industrial developments within the Western Sydney Employment Area, located further east beyond Luddenham Road.

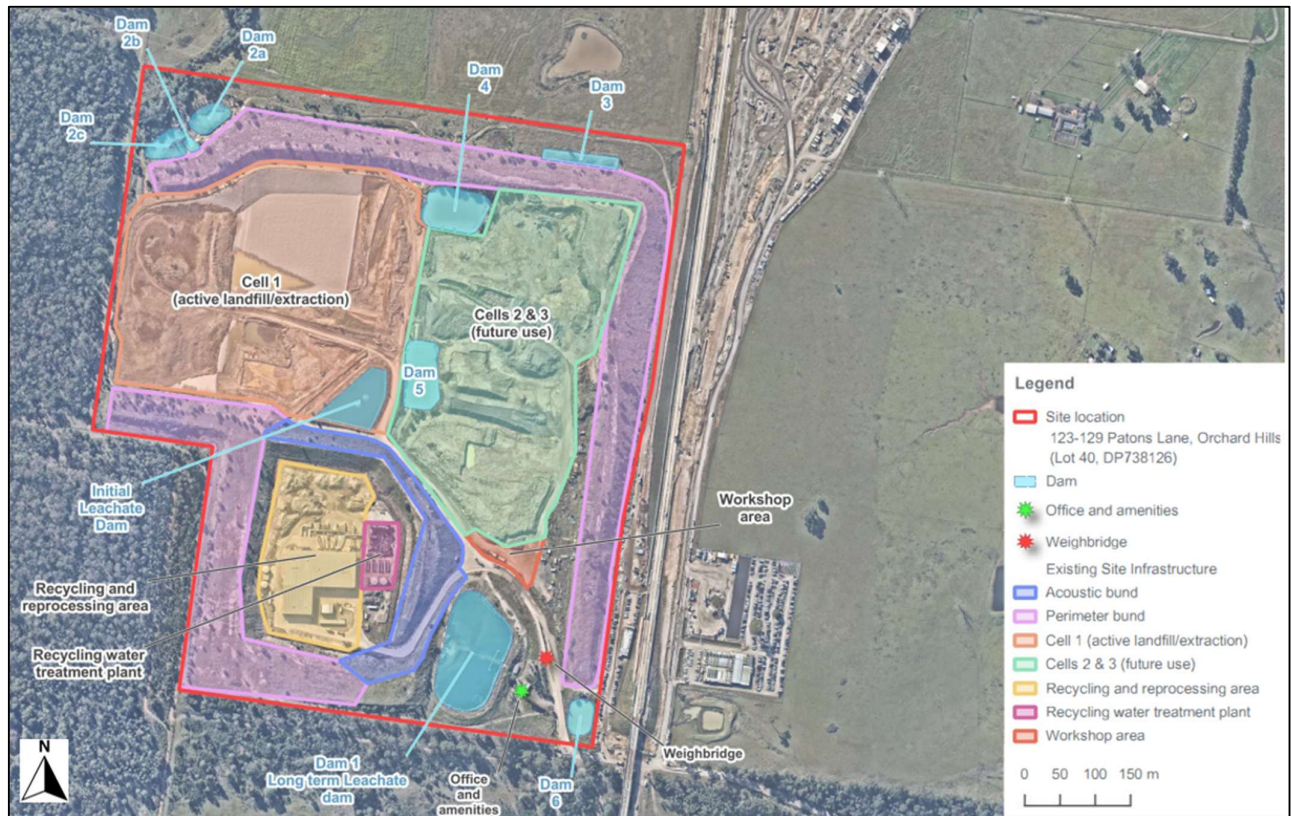
The site has been used for resource extraction and waste management activities for approximately 40 years and has been substantially modified as a result. Existing site features include landfill cells, quarry voids, leachate dams, internal access roads, a waste processing building and a water treatment plant (refer to **Figure 3**).



**Figure 1 | Regional Context**



**Figure 2 | Local Context**



**Figure 3 | Site Layout and Existing Infrastructure**

### 1.2.1 Surrounding Road Network

Access to the site is provided via Patons Lane, a local road managed by Penrith City Council (Council). Patons Lane connects to Luddenham Road, a regional road that forms the primary north-south link through Orchard Hills. Luddenham Road provides access to the broader regional freight network via Mamre Road to the north and Elizabeth Drive to the south. Mamre Road is a state-controlled arterial road linking the M4 Motorway and the Western Sydney Employment Area (refer to **Figure 2**).

Patons Lane is a two-lane carriageway that services the site, as well as surrounding uses including the SMF and AIBP.

The surrounding road network is subject to ongoing and planned upgrades associated with the Western Sydney Aerotropolis and Western Sydney Employment Area, aimed at improving capacity and traffic efficiency. In the project's context, upgrades to the Patons Lane / Luddenham Road intersection are proposed under Development Application (DA) 25/0955, which is currently under assessment by Council. DA 25/0955 includes signalisation of the intersection and associated road upgrades to improve traffic flow and safety. These works form part of the obligations under a Planning Agreement between the developer for the AIBP (HB+B Property) and Council.

### 1.3 Approval History

The site previously operated intermittently as a shale quarry under development consent DA 116/80, granted by Penrith City Council on 23 November 1981. The site underwent several ownership changes and experienced a period of regulatory non-compliance, which resulted in the suspension of the Environment Protection Licence (EPL) and the cessation of operations. Following this, the site was placed into 'care and maintenance'.

On 13 July 2012, development consent was granted by the Land and Environment Court of NSW (LEC) for the development of the Orchard Hills Waste and Resource Management Facility (MP09\_0074; Appeal No. 10928 of 2010) under the former section 75K of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The consent permits the acceptance of up to 450,000 tonnes per annum (tpa) of construction and demolition (C&D) and commercial and industrial (C&I) waste, together with the extraction of up to 5.2 million tonnes (t) of clay and shale (refer to **Table 1**).

**Table 1** | Approved Operations

Activity	Limits
Landfill	<ul style="list-style-type: none"><li>• maximum total waste emplacement - 4.3 million t</li><li>• maximum annual waste emplacement - 205,000 tpa</li></ul>
Resource Recovery	<ul style="list-style-type: none"><li>• acceptance of up to 450,000 tpa of C&amp;D and C&amp;I waste with 350,000 tpa of resource recovery</li></ul>
Resource extraction	<ul style="list-style-type: none"><li>• maximum total clay/shale extraction - 5.2 million t</li><li>• maximum total extracted clay/shale despatch: 3.15 million t</li><li>• maximum annual extracted clay/shale despatch: 160,000 tpa</li></ul>
Heavy vehicle movements	<ul style="list-style-type: none"><li>• Maximum heavy vehicle movements (in and out) – 250 vehicles per day</li></ul>
Hours of operation	<ul style="list-style-type: none"><li>• Monday to Friday – 7am to 5pm</li><li>• Saturday – 8am to 2pm</li><li>• Sundays and Public Holidays - Nil</li></ul>

The development consent has been modified on two occasions (refer to **Table 2**).

**Table 2 | Summary of Modifications**

Modification	Description	Decision-maker	Type	Date
MOD 1	<ul style="list-style-type: none"> <li>extension of the allowable timeframe for site establishment works from six to 18 months</li> <li>clarifying the scope of establishment works to align with the Court-approved plans</li> <li>amending the lapsing condition so that the consent is preserved upon commencement of physical works, rather than being contingent on completion of all site establishment activities.</li> </ul>	Department	s75W	30 March 2016
MOD 2	<ul style="list-style-type: none"> <li>construction of a Leachate Treatment Plant and a Recycling Water Treatment Plant</li> <li>increase in operational workforce from 20 to 26 full-time equivalent staff</li> <li>increase in daily heavy vehicle movements from 250 to 256 (in and out).</li> </ul>	Department	s4.56	27 June 2023

## 2 Proposed Modification

### 2.1 Modification Overview

The modification is described in full in the Modification Report included in **Appendix A** and summarised in **Table 3**.

The modification seeks to amend the approved annual clay/shale dispatch rate from 160,000 to 500,000 tpa, with a corresponding increase in heavy vehicle movements to transport extracted material from the site. The proposal does not involve any changes to the approved site layout.

**Table 3 | Key Aspects of the Modification**

Project Element	Approved Development (09_0074)	Proposed Modification (09_0074-MOD-3)
Approved clay/shale extraction rate	160,000 tpa	500,000 tpa
Traffic	<ul style="list-style-type: none"><li>• 256 heavy vehicle movements per day</li><li>• 60 light vehicle movements per day</li></ul>	<ul style="list-style-type: none"><li>• 570 heavy vehicle movements per day</li><li>• no changes to light vehicle movements</li></ul>

### 2.2 Applicant's Justification for the Proposed Modification

The Applicant advised the modification is required to address a misalignment between the approved clay/shale dispatch rate and the rate of void space creation needed to sustain landfilling operations at the WRMF. As landfilling is dependent on the progressive creation of void space, the current dispatch rate is insufficient to keep pace with landfilling, resulting in a projected airspace deficit that could constrain ongoing operations and require a temporary pause in landfilling as early as mid-2027.

The Applicant further advised that maintaining continuity of operations is strategically important to support regional waste management capacity, particularly in the context of forecast landfill constraints across Greater Sydney identified in the NSW Waste and Circular Infrastructure Plan (2025).

Accordingly, the Applicant has stated the modification seeks to increase the clay/shale dispatch rate to better align void space creation with landfilling requirements, enabling the WRMF to continue operating as intended without significant additional environmental impacts.

# 3 Strategic Context

## 3.1 Key Strategic Issues

The Department considers the modified development is appropriate for the site as it is consistent with the strategies, plans and policies outlined in **Table 4** below.

**Table 4 | Summary of Government Strategies, Plans and Policies**

Strategy, plan or policy	Comments
<p><b>NSW Waste and Circular Infrastructure Plan (WCIP)</b></p>	<p>The WCIP establishes a whole-of-government framework to ensure NSW has sufficient waste infrastructure to manage forecast waste volumes and support population and economic growth. The Plan identifies a projected shortfall in landfill capacity across Greater Sydney by 2030 and outlines actions to maintain disposal capacity, support the continued use of existing infrastructure, and facilitate the transition to a circular economy while recognising the ongoing need for safe residual waste disposal.</p> <p>The proposed modification is consistent with the strategic intent of the WCIP, as it would increase the rate of clay/shale dispatch from the site to create additional landfill airspace, support the continued operation of an existing landfill and help maintain essential waste disposal capacity in Greater Sydney.</p>
<p><b>NSW Waste and Sustainable Material Strategy 2041 (WSMS)</b></p>	<p>The WSMS sets long-term targets to transition NSW to a circular economy by minimising waste, improving resource recovery and reducing environmental impacts. While prioritising waste avoidance and recycling, the Strategy also recognises the need for sufficient capacity at existing waste infrastructure, including landfills to manage residual waste.</p> <p>The modification is consistent with the objectives of the WSMS as it would increase clay/shale dispatch rates from the site to generate additional landfill airspace and support the continued operation of an existing landfill. Given forecast growth in waste volumes across Greater Sydney, the additional airspace generated by the modification would help maintain capacity to manage future residual waste.</p>

## 4 Statutory Context

### 4.1 Scope of Modification and Assessment Pathway

Details of the assessment pathway under which the modification is sought is provided in **Table 5** below.

**Table 5** | Assessment Pathway

Consideration	Description
Scope of modification	<p><b>Modification of consent granted by the Court</b></p> <p>As the original development was approved by the LEC, the Applicant has sought to modify the court consent pursuant to section 4.56 of the EP&amp;A Act.</p> <p>The Department has considered the relevant matters in accordance with section 4.56 of the EP&amp;A Act, and is satisfied the proposed modified development would remain substantially the same as the development last modified under the former section 75W of the EP&amp;A Act, as:</p> <ul style="list-style-type: none"> <li>• the primary function and purpose of the approved development would not change as a result of the proposed modification</li> <li>• any potential environmental impacts would be appropriately managed through the existing or modified conditions of consent.</li> </ul>
Consent Authority	The Minister is the consent authority under section 4.5(a) of the EP&A Act.
Decision-maker	<p><b>Director</b></p> <p>Under the Minister’s delegation of 9 March 2022, the A/Director, Industry Assessments, may determine the application under delegation as:</p> <ul style="list-style-type: none"> <li>– the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&amp;A Act</li> <li>– there are less than 15 public submissions (other than a council) in the nature of objections, and</li> <li>– Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&amp;A Act.</li> </ul>

### 4.2 Other Approvals and Authorisations

The approved development is regulated under two Environment Protection Licences (EPLs) issued by the NSW Environment Protection Authority (EPA) under section 42 of the *Protection of the Environment*

*Operations Act 1997*, including EPL 20814 for clay and shale extraction and landfilling operations, and EPL 21259 for the resource recovery facility.

The Department has consulted with and considered the advice of the EPA in its assessment of the modification application. The EPA advised a variation to the EPL is required if the modification is approved.

### **4.3 Part 3A Transition to State Significant Development**

This project was originally approved by the LEC following a merit appeal under the former section 75J of the EP&A Act and was a transitional Part 3A project under Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulation).

Following amendments to the EP&A Act and the commencement of the associated EP&A (ST&OP) Regulation on 1 March 2018, the power to modify Part 3A project approvals under former section 75W is no longer available for modifications submitted after 1 March 2018.

On 20 December 2022, the Director, Industry Assessments (as delegate of the Minister for Planning), made an order under clause 6 of Schedule 2 to the EP&A (ST&OP) Regulation declaring the development the subject of the project approval to be SSD. The order was published in the NSW Government Gazette on 23 December 2022 and took effect from that date.

The effect of this order is the project approval is taken to be a development consent under Part 4 of the EP&A Act for the carrying out of the development.

### **4.4 Biodiversity Development Assessment Report**

Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).

The Department is satisfied that the proposed modification would not result in additional impacts to biodiversity values, as the works would occur within areas previously disturbed by existing operations, and consequently a BDAR is not required to accompany the modification application.

# 5 Engagement

## 5.1 Exhibition of the Modification

### 5.1.1 Public exhibition of the modification application

In accordance with section 4.56 of the EP&A Act and section 106 of the EP&A Regulation, after accepting the modification application and report, the Department:

- made the documents publicly available on the NSW planning portal
- publicly exhibited the modification from 14 October until 27 October 2025 on the NSW planning portal
- notified each person who made a submission in relation to the original application
- notified and invited comment from relevant government authorities and Council
- notified the LEC of the modification application.

## 5.2 Summary of Advice Received from Government Authorities

The Department received advice from seven government authorities on the modification application. A summary of the advice is provided in **Table 6**. A link to the full copy of the advice is provided in **Appendix A**.

**Table 6** | Summary of Government Authority Advice

Authority	Advice Summary
Sydney Metro	<p>Sydney Metro raised concerns that the modification application does not adequately assess cumulative traffic impacts on Patons Lane and the Patons Lane / Luddenham Road intersection, particularly given the SMF's reliance on Patons Lane as its sole access during construction, commissioning and future operations.</p> <p>Sydney Metro also considered that the modification report does not appropriately recognise Sydney Metro and the AIBP as key interfacing developments. It requested further information to verify traffic survey inputs, justify peak heavy vehicle assumptions, assess cumulative traffic impacts associated with the SMF and AIBP, and address potential implications for future access, safety and operations. Sydney Metro also noted that it had not been consulted on the modification and requested further engagement with the Applicant to discuss its concerns.</p>

Authority	Advice Summary
<p><b>Department of Climate Change, Energy, the Environment and Water (DCCEE) Heritage NSW</b></p>	<p>Heritage NSW noted that the proposal is not expected to disturb land beyond the approved footprint. However, it sought further information and updated management measures to protect Aboriginal heritage, including measures for the two Aboriginal Heritage Information Management System (AHIMS) registered Aboriginal artefacts (Orchard Hills ISO1 and ISO2) near the site, and clarification of any existing or proposed works within the perimeter bund area where Orchard Hills ISO2 may be located.</p> <p>Heritage NSW also noted that a potential archaeological deposit (PAD) identified in the north-western corner of the project area during the original assessment of MP09_0074 had not been registered and requested its registration so any future works in that area can be appropriately assessed and managed.</p>
<p><b>Department of Primary Industries and Regional Development (DPIRD) - NSW Resource (NSWR) &amp; Resources Regulator</b></p>	<p>DPIRD noted that clay/shale extraction already occurs at the site under the approved development and that, as a prescribed material under Schedule 1 of the <i>Mining Regulation 2016</i>, it is subject to the requirements of the <i>Mining Act 1992</i>. It requested further information on material processing, the quantities and destinations of dispatched clay/shale, whether the material is sold commercially, and its intended end use. DPIRD also acknowledged that the Applicant has lodged a section 11A (mining lease exemption) application, which is currently under review. DPIRD did not raise any mine safety concerns in relation to the modification.</p>
<p><b>EPA</b></p>	<p>The EPA advised that the Applicant currently holds EPLs 20814 and 21259 under the POEO Act and noted that a licence variation would be required should the modification be approved. The EPA further noted that the modified activities are not predicted to exceed the relevant noise criteria under the <i>Noise Policy for Industry (NPfI)</i> and would result in only a marginal increase in particulate matter (PM<sub>10</sub>) impacts compared to the approved operations. Accordingly, the EPA considered the existing EPL requirements adequate to manage potential noise and air quality impacts from the modification.</p>
<p><b>Transport for NSW (TfNSW)</b></p>	<p>TfNSW acknowledged that the modification would have minimal impact on the broader road network in terms of network efficiency, however it identified the potential for future road safety issues at the Patons Lane / Luddenham Road intersection due to the increase in heavy vehicle movements. TfNSW recommended that the Applicant consider additional minor civil works at the intersection, including extending the existing right-turn lane to provide a</p>

Authority	Advice Summary
	channelised right-turn treatment in consultation with Council as the relevant Road Authority, to safely accommodate the additional heavy vehicle traffic.

The following agencies raised no concerns or provided no comment:

- DCCEEW Conservation Programs, Heritage and Regulation Group (CPHR)
- DCCEEW Water Group.

### 5.3 Summary of Council Submission

**Penrith City Council** provided comments on the modification. Council’s key concerns related to traffic and cumulative impacts on the surrounding road network, particularly the effect of increased heavy vehicle movements on the Patons Lane /Luddenham Road intersection, including potential impacts on road condition and intersection performance.

Council noted that Patons Lane provides primary access to the SMF and the AIBP and requested further information on the cumulative traffic volumes associated with those developments. Council further noted that the Patons Lane /Luddenham Road intersection is proposed to be upgraded under a Planning Agreement associated with the AIBP (DA 25/0955), although those works had not yet received development consent at the time of assessment of this modification. Council recommended that the Applicant undertake further consultation with the AIBP proponent to better understand the potential implications of the proposed intersection upgrade for the modification.

Council also noted that the traffic volumes adopted in the Traffic Impact Assessment (TIA) in the modification report appeared to be underrepresented, having regard to existing and emerging developments in the area, and requested further verification of the traffic counts used in the TIA modelling and a cumulative assessment that addresses the proposal’s interaction with SMF construction and future operations, the AIBP and future upgrades to the Patons Lane / Luddenham Road intersection.

### 5.4 Utility Provider Advice

**Endeavour Energy** advised that it does not object to the modification and noted that no changes to electricity supply are proposed, with existing services considered sufficient to support the development.

### 5.5 Summary of Public Submissions

The Department received a total of eight public submissions during the public exhibition period of the modification (one submission from a special interest group and seven submissions from individuals).

From these submissions, seven objected to the project, all from within the Penrith City LGA, and one submission supported the project and made no further comment.

Public submissions raised key concerns regarding the potential impacts of existing and proposed intensified clay/shale extraction, including:

- impacts on surrounding ecological communities, including Cumberland Plain Woodland and on the environmental condition of Blaxland Creek
- traffic safety, road capacity and condition on Luddenham Road due to increased heavy vehicle movements associated with the modification and nearby developments
- potential amenity impacts from air quality (dust) and noise associated with site operations and heavy vehicle movements
- lack of adequate community consultation, including concerns about the timing, scope and effectiveness of engagement with local residents.

## 5.6 Submissions Report

Following the public exhibition period, the Department requested the Applicant to respond to the issues raised in submissions and the advice received from government agencies.

In addition, the Department requested the Applicant provide additional information on the following:

- operational feasibility of the proposed extraction increase, including how the proposed extraction increase would be achieved using existing infrastructure, equipment, workforce and hours of operation
- quarrying and landfill staging, including which of the approved cells the extraction increase will occur in, the timing and staging of the activities, and how extraction would align with landfill development, lifespan, future closure and rehabilitation
- material end-use, including clarification on the end-use and destination of excavated clay/shale
- details of additional stakeholder consultation regarding the modification proposal, including recent meetings with Sydney Metro, Alspec and the Orchard Hills Community Liaison Committee (largely consisting of nearby residents including from The Vines Estate to the north of the site)
- traffic impacts, including a more detailed traffic assessment addressing cumulative and concurrent traffic with nearby developments, heavy vehicle types and volumes, intersection performance and on-site queuing and access management
- air quality and noise, including further details of dust and air quality management, and additional noise information including contour mapping and model validation

- water management, including confirmation that the existing water management system at the site can accommodate the modification.

### 5.6.1 Applicant's Response to Submissions

On 16 January 2026, the Applicant provided a Submissions Report to the Department (see **Appendix A**).

The Submissions Report included:

- responses to issues raised in public submissions and advice from Government agencies and Council
- an updated TIA assessing cumulative impacts with the AIBP and Sydney Metro to confirm intersection performance, as well as a site queuing analysis to demonstrate that additional heavy vehicles could be accommodated within the site
- an updated Noise Impact Assessment (NIA) with validated modelling and noise contour maps
- further clarifications on operations including daily/weekly clay/shale extraction and dispatch rates, equipment capacity and throughput, workforce numbers and operating hours, and confirmation that extracted materials would be predominantly transported off-site for brick manufacturing
- additional details on sequencing and staging of cell excavation, including indicative timeframes for excavation, landfill lining and waste filling, and confirmation that the approved landfill would remain unchanged as a result of the modification (with projected landfill completion in 2041)
- further information on existing air quality mitigation measures, including dust suppression, monitoring and contingency measures which would continue under the modified operations
- confirmation that there would be no changes to the site water balance or existing water management system
- an updated AHIMS search record confirming no impacts to the Aboriginal heritage sites, and that the modification would not result in any additional site disturbance
- details of additional stakeholder consultation regarding the modification proposal, including recent meetings with Sydney Metro, Alspec and the Orchard Hills Community Liaison Committee (largely consisting of nearby residents including from The Vines Estate to the north of the site).

## 5.6.2 Government Agencies and Council Advice to Submissions Report

The Department published the Submissions Report on the NSW planning portal and forwarded the report to EPA, Heritage NSW, TfNSW, Sydney Metro, DPIRD and Council for comment on 21 January 2026.

A summary of the Government Agencies and Council advice on the Submissions Report is provided below:

**Sydney Metro** reiterated that the proposed increase in heavy vehicle movements could affect access, traffic performance and road network conditions, with potential implications for the delivery of equipment and rolling stock to the SMSF and the timely construction of the Sydney Metro Western Sydney Airport project. It noted that the Submissions Report incorrectly stated that the proposed Patons Lane / Luddenham Road intersection upgrade (DA25/0955) had been approved, when it remains under assessment, creating uncertainty about the impacts of the roadworks and whether two-way traffic can be maintained during construction. Sydney Metro also did not support the Applicant's position that AIBP construction traffic need only be considered qualitatively, given the scale and duration of those works, and recommended that more recent March 2025 cumulative traffic data for the AIBP be incorporated into the traffic modelling. Overall, Sydney Metro considered that the cumulative traffic impacts of both the AIBP and SMF must be comprehensively assessed and, unless this occurs, recommended that approval or commencement of the modification be deferred until the intersection is upgraded to a signalised intersection.

**Council** raised concerns that reliance on the proposed Patons Lane / Luddenham Road intersection upgrade (DA25/0955) was not justified, given the development application had not been determined and remained under assessment, and that the increased truck movements should not occur until the upgrade is approved and delivered.

**Heritage NSW** noted that the Submissions Report included additional information, including an AHIMS search, but advised that several matters remained outstanding. These included the need for further measures to protect the two adjacent heritage items, Orchard Hills IS01 and IS02, and clarification of compliance matters relating to potential impacts on Orchard Hills IS02 from works associated with the nearby perimeter bund. Heritage NSW also reiterated that statutory Aboriginal heritage requirements must be met, including registration of the relevant PAD in the north-western corner of the site on AHIMS.

**DPIRD NSW** reviewed the information provided in the Submissions Report and did not raise any additional issues. It also advised that it is currently assessing an application under section 11A of the *Mining Act 1992* for a mining lease exemption, the outcome of which would determine whether a mining authorisation is required.

**EPA** advised there were no further comments and did not recommend any conditions of consent for the modification.

**TfNSW** did not raise any further comments.

## 5.7 Additional Information

Between February to April 2026, additional information was requested from the Applicant to address further issues raised by the Department, Sydney Metro, Heritage NSW and Council. Key issues that required further consideration included traffic and heritage matters. The Department also met with the Applicant and Council on separate occasions to discuss and resolve the outstanding traffic issues.

Additional information was provided by the Applicant on 13 March and 17 April 2026 and included updated cumulative traffic modelling based on the March 2025 AIBP dataset, further justification of intersection performance prior to delivery of the upgrade, and additional detail on traffic management during Sydney Metro and road upgrade works. The Applicant also proposed a traffic mitigation measure restricting all extraction-related heavy vehicle departures (including existing approved and proposed modification movements) during the PM road network peak period (after 4:30 pm on weekdays) until the intersection upgrade is operational, to be supported through updates to the Transport Code of Conduct. On heritage matters, the Applicant largely maintained its earlier position that the modification does not involve any new ground disturbance or physical works and, therefore, would not result in any additional Aboriginal heritage impacts beyond matters previously considered under the original MP09\_0074 consent.

The Department referred the additional information to the relevant government authorities and published the information on the NSW Planning Portal. Final responses from government authorities are summarised below:

**Heritage NSW** had no further comments on the modification application in relation to Aboriginal Cultural Heritage and recommended conditions of consent focused on avoiding harm to Aboriginal objects, including contingency and reporting processes for unexpected finds.

**Sydney Metro** noted that, while it accepted the proposed PM peak heavy vehicle restriction for the modification (applying after 4.30pm) as an appropriate measure that would assist in managing traffic impacts, additional traffic management arrangements should also be considered to address cumulative traffic at the Patons Lane / Luddenham Road intersection before the road upgrade is delivered. In particular, Sydney Metro recommended that further traffic management measures be implemented to prioritise Sydney Metro's use of Patons Lane during its key construction periods, including consideration of peak-period restrictions until the intersection upgrade is constructed and operational.

**Council** advised that based on its review of the additional information and recent site inspections undertaken by its Traffic and Transport Engineers, the proposed modification was unlikely to

adversely affect traffic performance at the Patons Lane / Luddenham Road intersection. Council further noted that the Applicant's operational traffic peak (11 am) does not align with the broader network peak AM and PM periods, and that the proposed restriction on extraction-related truck departures after 4:30 pm on weekdays would assist in managing PM peak traffic until the intersection is upgraded, together with the Applicant's commitment to ongoing coordination with Sydney Metro.

# 6 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- Modification Report and Submissions Report and Additional Information provided to support the proposed modification (see **Appendix A**)
- documentation and Department's assessment report associated with the original development consent, MP09\_0074 (i.e. the Court's approval) and subsequent modification applications (see **Appendix A**)
- public submissions and advice from State government authorities and Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issue to be traffic. The Department's assessment of other issues is provided in **Section 6.2**.

## 6.1 Traffic

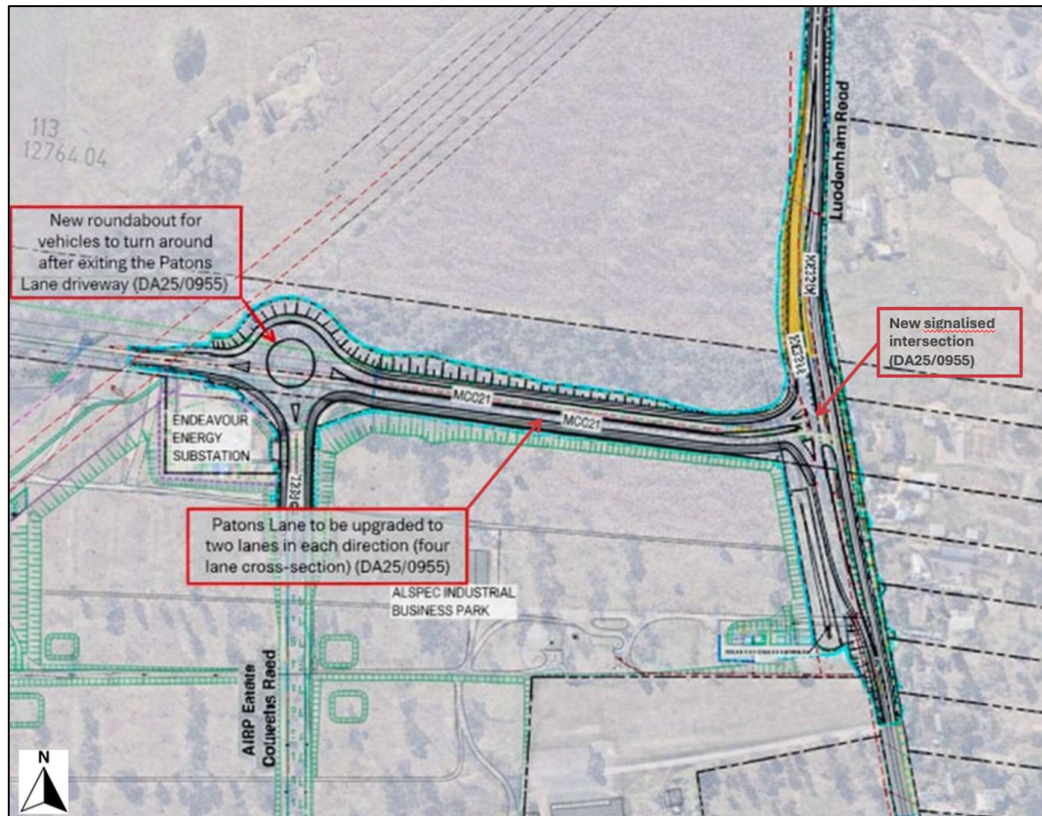
### 6.1.1 Assessment Background

The proposed modification has the potential to cause traffic impacts on the surrounding road network due to the additional heavy vehicle movements associated with the proposed increase in clay/shale dispatch from the site. As no changes are proposed to the approved site access arrangements or internal road layout, the key issue is whether the additional truck movements can be accommodated on the surrounding road network, particularly at the Patons Lane / Luddenham Road intersection.

The Patons Lane / Luddenham Road intersection is currently unsignalised and provides access to the site, the Sydney Metro SMF and the AIBP. It already operates in a constrained traffic environment and is subject to increasing cumulative demand from surrounding development. This is particularly significant given Patons Lane is the sole access route to the SMF, including for construction traffic and rolling stock deliveries, making efficient operation of the intersection important to the timely delivery of the Sydney Metro - Western Sydney Airport project.

As briefly outlined in **Section 1.2.1** of this report, separate roadworks are proposed under DA25/0955, lodged with Council in December 2025, to upgrade the surrounding road network. The proposed works to be undertaken under the Planning Agreement between Alspec and Council include widening Patons Lane, signalising the Patons Lane / Luddenham Road intersection, and constructing a new roundabout on Patons Lane to connect with the AIBP estate road (refer to **Figure 4**). While these works would improve the longer-term operation of the road network, DA25/0955 has not been

approved at the time of this assessment. The works are anticipated to commence in Q1 2027 and take around 8 to 9 months to complete, although these timeframes are indicative only. Accordingly, the Department has assessed the modification based on existing road network conditions and whether interim impacts can be appropriately managed before the upgraded intersection becomes operational.



**Figure 4 | Patons Lane / Luddenham Road Intersection Proposed Upgrade Works (DA25/0955)**

### 6.1.2 Applicant's Assessment

The Modification Report included an operational Traffic Impact Assessment (TIA), prepared in accordance with the *Guide to Traffic Generating Developments*. The TIA used SIDRA modelling to assess intersection performance, including Level of Service (LoS), average delay and degree of saturation.

The TIA adopted 2024 traffic data and assessed approved site operations, the proposed modification and cumulative traffic from surrounding development, including the Sydney Metro SMF and AIBP. It predicted the modification would generate an additional 314 heavy vehicle movements per day, including up to 40 additional peak-hour vehicle movements associated with the modification at the Patons Lane / Luddenham Road intersection. The TIA concluded the modification would have a minor impact, with the intersection continuing to operate at LoS C in the AM and PM peaks.

Following review by the Department, Council and Sydney Metro, concerns were raised regarding the underlying traffic data and the treatment of cumulative traffic impacts. In response, the Applicant provided revised modelling using March 2025 traffic data, consistent with the DA25/0955 intersection upgrade assessment, and incorporating Sydney Metro and AIBP construction traffic.

The revised modelling found that the Patons Lane / Luddenham Road intersection is already operating at LoS E in the AM peak and LoS F in the PM peak under existing and cumulative traffic conditions from surrounding developments, before accounting for the additional traffic (i.e. 40 peak-hour vehicle movements) generated by the modification. The Applicant advised the modification would make only a minor contribution to these conditions, noting that in the AM peak, the intersection would remain at LoS E, with a marginal increase in delay on the Patons Lane approach from 60.5 to 60.78 seconds, and queue lengths increasing from 17 to 24 m. Through movements on Luddenham Road and turning movements into Patons Lane would continue to operate at LoS A, maintaining inbound access to the SMF and AIBP. The Applicant also noted the site's operational peak occurs around 11 am, outside the broader network and Sydney Metro peak construction periods.

In the PM peak, the Applicant acknowledged that the Patons Lane approach already exceeds capacity under existing and cumulative traffic conditions from surrounding developments and identified the main constraint as driven primarily by outbound traffic associated with AIBP and Sydney Metro activity. To address the existing outbound traffic constraints on Patons Lane during the PM peak, the Applicant has proposed interim mitigation measures, including restricting extraction-related truck departures after 4:30 pm on weekdays and updating its existing Transport Code of Conduct to include specific protocols for managing site traffic during Sydney Metro's peak construction periods, future intersection upgrade works and ongoing liaison with Sydney Metro, Council and HB+B Property.

The revised modelling also considered traffic performance during the proposed DA25/0955 intersection upgrade works and once the upgraded intersection is operational. During the upgrade works, the intersection is expected to continue operating at LoS E in the AM peak and LoS F in the PM peak, with temporary traffic management and traffic controllers proposed to manage construction-related impacts. Once completed and operational, the upgraded signalised intersection is expected to operate at LoS C or better. The Applicant advised that the modification would represent a small proportion of total intersection traffic in both scenarios and would not materially affect performance. The Applicant also clarified that DA25/0955 remains under assessment by Council and that the modification does not rely on the intersection upgrade being delivered.

### 6.1.3 Department's Assessment

The Department has considered the Applicant's TIA, the revised modelling and advice from Council and Sydney Metro. The Department acknowledges the Patons Lane / Luddenham Road intersection

is already constrained, particularly in the PM peak, and that this is a key issue given the route also serves the SMF and AIBP.

The Department notes the Applicant's revised traffic modelling adopts the more recent March 2025 dataset used in the assessment of the proposed Patons Lane / Luddenham Road intersection upgrade works (DA25/0955) and applies an updated cumulative traffic scenario. On this basis, the Department is satisfied this updated modelling provides an appropriate assessment of interim cumulative traffic conditions at the Patons Lane / Luddenham Road intersection for the modification.

Based on the Applicant's traffic assessment in the interim scenario, the Department accepts the modification would make a limited incremental contribution to traffic demand at the intersection during the AM peak period, noting that the modification would generate a maximum of 40 additional peak-hour heavy vehicle movements, and that the site's operational traffic does not generally coincide with the broader network peak periods.

However, given the existing constraints at the Patons Lane / Luddenham Road intersection, particularly during the weekday PM peak, the Department considers that interim access measures are required to manage traffic. These interim controls include restricting heavy vehicles associated with extraction-related operations at certain times and requiring site traffic to be managed so it does not obstruct, delay or reduce access for Sydney Metro construction traffic using Patons Lane. The Department considers this is an appropriate interim measure to respond to the concerns raised by Council and Sydney Metro, and to maintain access along Patons Lane during periods when it remains critical to Sydney Metro construction and delivery activities.

In particular, to manage traffic impacts, the Department recommends conditions requiring:

- that all extraction-related heavy vehicles do not depart the site via Patons Lane after 4:30 pm on weekdays
- the Applicant's existing Transport Code of Conduct to be updated to include measures to avoid conflicts with other construction traffic and minimise delays for Sydney Metro construction traffic during the Patons Lane / Luddenham Road intersection upgrade works
- preparation of a Traffic Performance Report within six months of commencement of modified operations to verify actual traffic generation, confirm the surrounding road network, including the Patons Lane / Luddenham Road intersection can accommodate increased heavy vehicle movements, and identify any additional traffic management, mitigation or contingency measures required.

Having regard to the Applicant's revised traffic assessment, relevant agencies advice, proposed interim mitigation measures and the recommended conditions, the Department concludes that traffic impacts have been adequately assessed and can be managed to an acceptable level.

## 6.2 Other issues

**Table 7 | Assessment of Other Issues**

Findings and conclusions	Recommended conditions
<b>Noise</b>	
<ul style="list-style-type: none"> <li>• The uplift in excavated clay/shale operations has the potential to increase noise impacts at nearby surrounding residential receivers, including rural-residential properties north, east and south-east of the site, and The Vines Estate approximately 500 m to the north.</li> <li>• The Applicant provided a Noise Impact Assessment (NIA) which assessed operational and road traffic noise in accordance with the NSW Noise Policy for Industry (NPfI) and Road Noise Policy (RNP).</li> <li>• The NIA adopted a conservative worst-case operating scenario, including the simultaneous operation of key plant and equipment over a 15-minute period, and considered RRF operations, waste delivery, excavation, loading and dispatch of clay/shale material, truck movements and approved treatment plant infrastructure.</li> <li>• The assessment predicted that operational noise would comply with the existing consent limits, EPL limits and project noise trigger levels at all assessed residential receivers during the day, evening and night periods.</li> <li>• The NIA also considered potentially annoying noise characteristics, including low-frequency noise and tonality. A +2 dB modifying factor was applied during the evening and night periods to account for low-frequency noise, however predicted noise levels remained within the relevant criteria.</li> <li>• The NIA also found that road traffic noise from the proposed increase in heavy vehicle movements would increase by less than 2 dB at nearby receivers and is not expected to result in a perceptible change in road traffic noise.</li> <li>• Noise concerns were raised in public submissions, including in relation to road traffic noise and cumulative noise impacts. The Department also requested noise contour mapping and model validation. In response, the Applicant provided an updated NIA with noise contour maps and further validation details.</li> <li>• The EPA noted that road traffic noise had been appropriately assessed, predicted increases at the nearest sensitive receivers would</li> </ul>	<p>No further conditions recommended.</p>

## Findings and conclusions

## Recommended conditions

remain below the applicable RNP criteria, and no further assessment of feasible and reasonable mitigation measures was required.

- The Department notes that the modified operations would continue to be managed under the existing consent noise limits, EPL requirements and consent requirements to implement the approved Operational Noise Management Plan and Traffic Noise Management Plan. The Department is satisfied these existing requirements remain appropriate to manage noise impacts associated with the modification.
- The Department's assessment concludes that the modification is unlikely to result in significant operational or road traffic noise impacts and is satisfied that noise impacts have been adequately assessed and can be appropriately managed.

## Air Quality

- The proposed increase in clay/shale despatch operations has the potential to increase air quality impacts at surrounding sensitive receivers, primarily through dust emissions from excavation, material handling, loading and despatch, haul road use and additional heavy vehicle movements.
- The Applicant provided an Air Quality Impact Assessment (AQIA), which assessed particulate matter and dust deposition impacts from the modification in accordance with the NSW EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*.
- The AQIA adopted conservative assumptions, including extraction and despatch of clay/shale at the proposed maximum rate of 500,000 tpa and a peak vehicle movement scenario of 570 daily truck movements, together with other approved site operations.
- The assessment modelled incremental and cumulative impacts for particulate matter (PM)<sub>2.5</sub>, PM<sub>10</sub>, total suspended particles and dust deposition, also taking into consideration background air quality. The modelling predicted compliance with the relevant air quality criteria at all assessed sensitive receivers, including under cumulative and conservative operating scenarios.
- Public submissions raised concerns regarding dust, particulate matter and cumulative air quality impacts. The Department also sought

No further conditions recommended.

## Findings and conclusions

## Recommended conditions

clarification on the Applicant's ongoing dust management and monitoring measures.

- In response, the Applicant confirmed that the modification would not change the approved footprint or nature of site activities, and that existing air quality management measures would continue to apply, including dust suppression on haul roads and active operational areas, visual dust monitoring, and modifying activities during adverse weather conditions.
- The EPA reviewed the AQIA and advised that no changes to the existing EPL air quality conditions were required.
- The Department notes that the modified operations would continue to be managed under the existing consent and EPL requirements, including the consent condition requiring implementation of the approved Air Quality and Greenhouse Gas Management Plan. This plan includes measures to manage air quality impacts from the development, including the monitoring program and daily recording of dust levels, and protocol for managing non-compliances. The Department is satisfied these existing requirements remain appropriate to manage dust and air quality impacts associated with the modification.
- The Department's assessment concludes that the modification is unlikely to result in significant air quality impacts at surrounding sensitive receivers. The Department is satisfied that air quality impacts have been adequately assessed and can continue to be managed under the existing approval requirements.

## Aboriginal Cultural Heritage

- The Department has considered Aboriginal cultural heritage in response to advice from Heritage NSW and the presence of known Aboriginal objects within and near the approved site.
- The Modification Report referenced the Aboriginal cultural heritage assessment prepared for the original approval, which identified two isolated Aboriginal artefacts within the project area, registered on AHIMS as Orchard Hills ISO1 and Orchard Hills ISO2, and noted that these would not be impacted by the proposed modification as no new disturbance is proposed.

- No further conditions recommended.

## Findings and conclusions

## Recommended conditions

- Heritage NSW advised that Orchard Hills ISO1 and ISO2 remain valid Aboriginal sites and should continue to be managed to avoid harm, requested updated AHIMS search details, management measures for known Aboriginal sites, and clarification on whether perimeter bund works may have impacted Orchard Hills ISO2.
- In response, the Applicant provided updated AHIMS search details and reiterated that the known Aboriginal sites are outside the modification area and would not be impacted by the proposed modification.
- Heritage NSW advised it had no further comments and recommended conditions requiring avoidance of harm to Aboriginal objects, unexpected finds procedures and worker inductions.
- The Department considered the Heritage NSW advice and its recommended conditions. The Department considers the proposed throughput increase does not involve additional disturbance areas and is not expected to cause any additional Aboriginal cultural heritage impacts and therefore no new conditions are required.
- The Department's assessment concludes that Aboriginal cultural heritage matters have been adequately considered and that the modification would not result in additional impacts.

## Ecological and Riparian Impacts

- Ecological impacts were considered in response to public submissions raising concerns about potential impacts to nearby Blaxland Creek, its riparian corridor and adjoining Cumberland Plain Woodland from increased extraction activities, runoff and dust emissions.
- The modification report notes that Blaxland Creek runs just outside the north-western corner of the site, with part of its riparian corridor within the approved site. Remnant vegetation on site is limited to the Blaxland Creek riparian corridor, while dense woodland to the west contains Cumberland Plain Woodland.
- The Applicant advised that the modification would not change the approved development footprint or require additional vegetation clearing. The modification report also reported that there would be no material change in dust emissions or runoff impacts, and therefore indirect impacts to adjoining ecological communities are unlikely.

- No further conditions recommended.

## Findings and conclusions

## Recommended conditions

- Surface water from extraction areas would continue to be captured and treated through the existing approved water management system, including sediment dams, reuse for dust suppression and licensed wet weather discharges where required.
- DCCEEW CPHR did not raise any concerns regarding impacts to ecological communities.
- The Department notes the modified operations would continue to be managed under existing consent and EPL requirements. These requirements would continue to manage potential indirect impacts to nearby ecological values.
- The Department's assessment concludes that the modification is unlikely to result in significant impacts to Blaxland Creek, Cumberland Plain Woodland or other nearby ecological values. The Department is satisfied that potential ecological impacts can be adequately managed through the existing consent and environmental management measures.

# 7 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act.

To manage residual environmental impacts, the Department has recommended conditions including interim restrictions on extraction-related heavy vehicle departures during the weekday PM peak, traffic performance reporting, and an updated Transport Code of Conduct.

Overall, the Department considers the proposed modification is appropriate on the basis that:

- it would support the continued operation of an approved landfill and resource recovery facility by enabling the timely creation of landfill airspace
- it would help maintain residual waste disposal capacity in Greater Sydney, consistent with the strategic need identified in the NSW Waste and Sustainable Materials Strategy 2041 and NSW Waste and Circular Infrastructure Plan
- the development would remain within the approved footprint and would not change the approved extraction area, landfill capacity or operating hours
- potential operational noise, air quality and ecological impacts are predicted to be minor and/or remain within relevant criteria, and can be managed under existing approval requirements and mitigation measures
- interim traffic impacts can be appropriately managed through the Department's recommended conditions.

The Department is satisfied the modification should be approved subject to conditions.

## 8 Recommendation

It is recommended that the **A/Director**, Industry Assessments as delegate of the Minister:

- **considers** the findings and recommendations of this report
- **determines** that the application MP09\_0074-MOD-3 falls within the scope of section 4.56 of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the notice of decision
- **modifies the consent** for the Orchard Hills Waste and Resource Management Facility (MP09\_0074), subject to the conditions in the attached instrument of modification.
- signs the attached instrument of modification (**Appendix B**).

Recommended by:



**Ellen Luu**

Senior Environmental Assessment Officer  
Industry Assessments

Recommended by:



**Lindsey Blecher**

Team Leader  
Industry Assessments

## 9 Determination

The recommendation is **adopted** by:



20 May 2026

**Joanna Bakopanos**

A/Director

Industry Assessments

# Glossary

Abbreviation	Definition
Additional Information	Additional information provided by the Applicant following Submission Report, including: <ul style="list-style-type: none"> <li>• ‘State Significant Development MP09_0074 MOD-3 – Response to Additional Comments on the Response to Submissions,’ prepared by Bingo Industries Pty Ltd, dated 13 March 2026</li> <li>• ‘State Significant Development MP09_0074 MOD-3 – Response to Sydney Metro Submission dated 13 April 2026,’ prepared by Bingo Industries Pty Ltd, dated 17 April 2026</li> </ul>
AHIMS	Aboriginal Heritage Information Management System
AIBP	Alspeg Industrial Business Park
Applicant	SRC Operations Pty Ltd (a subsidiary of Bingo Industries Pty Ltd)
AQIA	Air Quality Impact Assessment
BDAR	Biodiversity Development Assessment Report
Council	Penrith City Council
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure
DPIRD	Department of Primary Industries and Regional Development
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPL	Environment Protection Licence

<b>Abbreviation</b>	<b>Definition</b>
<b>Heritage</b>	Heritage NSW, within the Department of Climate Change, Energy, the Environment and Water
<b>LEC</b>	Land and Environment Court of NSW
<b>LGA</b>	Local Government Area
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>NIA</b>	Noise Impact Assessment
<b>PLEP</b>	Penrith Local Environmental Plan 2010
<b>Planning Secretary</b>	Secretary of the Department of Planning, Housing and Infrastructure
<b>SEPP</b>	State Environmental Planning Policy
<b>SMF</b>	Sydney Metro – Western Sydney Airport Stabling and Maintenance Facility
<b>SSD</b>	State Significant Development
<b>TIA</b>	Traffic Impact Assessment
<b>TfNSW</b>	Transport for NSW
<b>WRMF</b>	Waste and Resource Management Facility

# Appendices

## Appendix A – List of Referenced Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

### Modification Application

- ‘Patons Lane Landfill and Resource Recovery Centre | Modification to State significant development consent MP09\_0074 – Modification Report’ prepared by Element Environment, dated 17 September 2025

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-increase-clayshale-extraction-dispatch-limit>

### Submissions and Advice

- All submissions and government agency advice can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-increase-clayshale-extraction-dispatch-limit>

### Submissions Report and Additional Information

- ‘Patons Lane Landfill and Resource Recovery Centre – Submissions Report’ prepared by Element Environment, dated 16 January 2026
- ‘State Significant Development MP09\_0074 MOD-3 – Response to Additional Comments on the Response to Submissions,’ prepared by Bingo Industries Pty Ltd, dated 13 March 2026
- ‘State Significant Development MP09\_0074 MOD-3 – Response to Sydney Metro Submission dated 13 April 2026,’ prepared by Bingo Industries Pty Ltd, dated 17 April 2026

### Department’s Assessment Report for MP09\_0074

<https://www.planningportal.nsw.gov.au/major-projects/projects/orchard-hills-waste-facility>

## Appendix B – Recommended Instrument of Modification

The instrument of modification for MP09\_0074-MOD-3 may be viewed on the Department’s website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-increase-clayshale-extraction-dispatch-limit>