

# Modification of Development Consent

## Section 4.56 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Joanna Bakopanos

**A/Director**

**Industry Assessments**

Sydney

20 May 2026

File: EF25/14873

### SCHEDULE 1

#### Approval

|                                  |  |
|----------------------------------|--|
| <b>Approval:</b>                 | MP09_0074 granted by the New South Wales Land and Environment Court on 13 July 2012  |
| <b>For the following:</b>        | Waste and resource management facility comprising a non-putrescible waste recycling facility, ancillary waste emplacement, waste transfer station, continued shale/clay extraction and site rehabilitation |
| <b>Modification 3</b>            |  |
| <b>Modification Application:</b> | MP09_0074-Mod-3  |
|                                  | Modification to:   |
|                                  | <ul style="list-style-type: none"><li>increase the maximum extracted clay/shale despatch limit from 160,000 to 500,000 tonnes per annum.</li></ul>   |
| <b>Applicant:</b>                | SRC Operations Pty Ltd   |
| <b>Consent Authority:</b>        | Minister for Planning and Public Spaces  |
| <b>The Land:</b>                 | 123 – 179 Patons Lane, Orchard Hills (Lot 40 DP 738126)  |

## SCHEDULE 2

The consent is modified as follows:

### In Schedule 2 - Definitions

1. Insert the following definition in alphabetical order:

**Modification Assessments** The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification application under the EP&A Act:

- MP09\_0074 MOD 1 prepared by EMM Consulting and dated 25 September 2015;
- MP09\_0074 MOD 2 prepared by Jackson Environment and Planning Pty Ltd and dated 22 December 2022;
- MP09\_0074 MOD 3 prepared by Element Environment and dated 17 September 2025.

### In Schedule 3 - Administrative Conditions

2. In Condition 2(e), insert the word “and” immediately after “Schedule 6;”.
3. Delete Conditions 2(f) to (j), and insert new Condition 2(f), immediately after Condition 2(e) as follows:  
f) Modification Assessments.
4. In Condition 23, Table 2 delete “160,000” and replace with “500,000”.
5. In Condition 25, Table 3 delete “256” and replace with “570”.

### In Schedule 4 - Specific Environmental Conditions

6. Insert new heading and Condition 24A immediately after Condition 24 as follows:

#### **Patons Lane – Interim Access Requirements**

24A. Notwithstanding Condition 24, until the Patons Lane / Luddenham Road intersection upgrade works are completed and operational, as demonstrated by written evidence to the satisfaction of the Planning Secretary, or as otherwise agreed by the Planning Secretary, the Proponent must ensure all heavy vehicles associated with extraction-related operations do not depart from the Site via Patons Lane after 4.30pm on weekdays.

7. Insert new Condition 38A and Condition 38B, immediately after Condition 38 as follows:

38A. Prior to the commencement of MOD 3, the Proponent must prepare an updated Transport Code of Conduct to the satisfaction of the Planning Secretary. The updated Code of Conduct must:

- a) be prepared by a suitably qualified and experienced person(s);
- b) be prepared in consultation with Council and Sydney Metro;
- c) update the existing Transport Code of Conduct as it relates to the matters specified at Condition 38 b., c., d., and e.;
- d) describe procedures to ensure compliance with Condition 24A of Schedule 4; and
- e) describe the measures to ensure Project-related traffic is managed to minimise disruption to Sydney Metro construction activities and maintain access along Patons Lane for its associated construction traffic.

38B. The Applicant must:

- a) not commence MOD 3 operations until the updated Transport Code of Conduct required by Condition 38A of Schedule 4 is approved by the Planning Secretary; and

- b) implement the most recent version of the Transport Code of Conduct approved by the Planning Secretary for the duration of the Project.
8. Insert new heading and Condition 38C immediately after Condition 38B as follows:

**Traffic Performance Report**

- 38C. The Proponent must prepare and submit an operational traffic performance report, to the satisfaction of the Planning Secretary within six months of commencement of operations under MOD-3. The Traffic Performance Report must:
- a) be prepared by a suitably qualified and experienced person(s);
  - b) be prepared in accordance with TfNSW 'Guide to Transport Impact Assessment' (TfNSW, 2024);
  - c) include traffic monitoring details to verify actual daily heavy vehicle movements against the maximum daily limits, in accordance with Condition 25 of Schedule 3.
  - d) verify the predicted cumulative traffic volumes from all developments on Patons Lane, site operational traffic numbers and impacts on road safety and the capacity of the road network using a calibrated SIDRA model or similar suitable traffic model in accordance with TfNSW Traffic Modelling Guidelines (TfNSW, 2013), including impacts on intersection efficiency and site access; and
  - e) include:
    - i) description of data collection and survey specification,
    - ii) details of vehicle type, vehicle volume and timing of vehicle arrival and departure;
    - iii) details of all traffic management measures implemented during the monitoring period;
    - iv) analysis of compliance with Condition 25 of Schedule 3 and Condition 24A of Schedule 4; and
    - v) a description of contingency measures in the event management actions identified in the updated Transport Code of Conduct, as required under Condition 38A are not effective in achieving compliance with Condition 25 of Schedule 3 and Condition 24A of Schedule 4.

**In Schedule 6 - Documents Comprising the Project**

9. Insert new heading and condition 10A after Condition 10, as follows:

**MOD 1**

- 10A. **Modification Report** 'Environmental Assessment Patons Lane Landfill and Resource Recovery Centre Section 75W Modification Application' prepared by EMGA Mitchell McLennan, dated September 2015,

10. Insert new heading after Condition 10A, as follows:

**MOD 2**

11. Insert new heading and Conditions 13, 14 and 15 immediately after Condition 12 as follows:

**MOD 3**

13. **Modification Report** '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, comprising:
- a) Traffic Impact Assessment 'BINGO Industries Patons Lane' prepared by SCT Consulting, dated 22 August 2025;
  - b) Noise Assessment 'Modification – Patons Lane Landfill and Resource Recovery Centre Extraction Rate Increase, 123 – 179 Patons Lane Orchard Hills, NSW' prepared by Muller Acoustic Consulting Pty Ltd, dated 26 August 2025; and

- c) Air Quality and Greenhouse Gas Assessment 'Patons Lane Landfill and Resource Recovery Centre Extraction Modification' prepared by Todoroski Air Sciences Pty Ltd, dated 15 August 2025.
14. **Submissions Report** 'Patons Lane Landfill and Resource Recovery Centre – Submissions Report' prepared by Element Environment, dated 16 January 2026, comprising:
- a) Updated Traffic Impact Assessment 'BINGO Industries Patons Lane' prepared by SCT Consulting, dated 18 December 2025; and
  - b) Updated Noise Assessment 'Modification – Patons Lane Landfill and Resource Recovery Centre Extraction Rate Increase, 123 – 179 Patons Lane Orchard Hills, NSW' prepared by Muller Acoustic Consulting Pty Ltd, dated 8 December 2025.
15. **Additional Information** prepared by Bingo Industries Pty Ltd, including:
- a) 'Response to Additional Comments on the Response to Submissions,' dated 13 March 2026
  - b) 'Response to Sydney Metro Submission dated 13 April 2026,' dated 17 April 2026.

---

**End of modification MP09\_0074-Mod-3**