

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	MP09_0074-Mod-3 Orchard Hills Waste and Resource Management Facility MOD 3
<b>Applicant</b>	SRC Operations Pty Ltd
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The A/Director, under delegation from the Minister for Planning and Public Spaces has, under section 4.56 of the *Environmental Planning and Assessment Act 1979* (the Act) modified the consent subject to the recommended conditions.

A copy of the Instrument of Modification and the Department of Planning, Housing and Infrastructure's (the Department's) Assessment Report is available [here](#).

### Date of decision

20 May 2026

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the modification application and any additional information considered in the Department's assessment report;
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's assessment report.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was last modified under the former section 75W of the Act.

- the modification is consistent with NSW Government policies including the NSW Waste and Sustainable Materials Strategy 2041 and NSW Waste and Circular Infrastructure Plan;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards, as follows:
  - traffic impacts would be managed through interim restrictions on extraction-related heavy vehicle departures during the weekday PM period, verification reporting, and implementation of an updated Transport Code of Conduct;
  - noise impacts would be managed through continued compliance with existing consent and Environment Protection Licence (EPL) requirements, including implementation of the approved Operational Noise Management Plan and Traffic Noise Management Plan;
  - air quality impacts would be managed through existing consent and EPL requirements, including dust suppression, monitoring, adverse weather responses and procedures for addressing non-compliances under the approved Air Quality and Greenhouse Gas Management Plan;
  - potential impacts to ecological communities would be avoided and managed as there would be no additional vegetation clearing or changes to the approved development footprint, and continued implementation of existing water, sediment, dust and EPL requirements to manage potential indirect impacts to Blaxland Creek and nearby Cumberland Plain Woodland; and
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 4 June 2025 to 17 June 2025 and received eight submissions, including seven objections and one comment.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include operational traffic, air quality, noise and potential impacts to surrounding ecological communities. Other issues are addressed in detail of the Department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Operational traffic</i></p> <ul style="list-style-type: none"> <li>• Road safety, capacity and condition on Luddenham Road and Patons Lane from increased heavy vehicle traffic.</li> <li>• Cumulative traffic impacts from nearby developments.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The TIA assessed the modification's traffic impacts, including additional heavy vehicle movements, intersection performance and cumulative traffic from surrounding development, including Sydney Metro's Western Sydney Airport Stabling and Maintenance Facility and the Alspec Industrial Business Park construction traffic.</li> <li>• In response to concerns raised by Council and Sydney Metro, the Applicant provided revised modelling using updated traffic survey data and a revised cumulative traffic scenario.</li> <li>• The revised modelling indicates the Patons Lane / Luddenham Road intersection is already constrained, particularly during the PM peak. The Department considers the modification would make a limited incremental contribution to traffic, noting the site's operational peak generally occurs outside broader network peaks.</li> <li>• The Department concludes that traffic impacts can be managed to an acceptable level, subject to recommended conditions requiring PM peak restrictions on extraction-related heavy vehicle departures, measures to minimise disruption to Sydney Metro construction traffic and activities, traffic performance reporting, and implementation of an updated Transport Code of Conduct.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Restrict all extraction-related heavy vehicle departures from the site after 4.30pm on weekdays.</li> <li>• Manage traffic associated with the Development to minimise impacts on traffic associated with the construction of the Sydney Metro facility.</li> <li>• Require a Traffic Performance Report within six months of commencement of modified operations to verify actual traffic generation and identify any additional traffic management or mitigation measures required.</li> <li>• Require the existing Transport Code of Conduct to be updated to include specific protocols for managing BINGO traffic during Sydney Metro peak construction periods and the Patons Lane / Luddenham Road intersection upgrade works.</li> </ul>
<p><i>Air Quality</i></p> <ul style="list-style-type: none"> <li>• Air quality impacts from site operations, material handling and truck movements</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The AQIA assessed particulate matter and dust deposition impacts from the modification, including emissions from excavation, material handling, haul road use and additional heavy vehicle movements.</li> <li>• The assessment adopted conservative assumptions, including extraction and despatch at the proposed maximum rate, peak heavy vehicle movements and other approved site operations.</li> <li>• Modelling predicted compliance with relevant air quality criteria at assessed sensitive receivers, including under cumulative operating scenarios, and the EPA advised no changes to existing EPL air quality conditions were required.</li> <li>• The Department concluded that air quality impacts are unlikely to be significant and can continue to be managed under existing approval requirements, including implementation of the approved Air Quality and Greenhouse Gas Management Plan.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Implementation of the approved Air Quality and Greenhouse Gas Management Plan (Condition 16 of Schedule 4).</li> </ul>
<p><i>Noise</i></p>	<p><i>Assessment</i></p>

<ul style="list-style-type: none"> <li>increased operational noise from site operations and traffic noise from additional heavy vehicles</li> </ul>	<ul style="list-style-type: none"> <li>The NIA assessed operational and road traffic noise impacts from the modification in accordance with relevant NSW noise policies, adopting a conservative worst-case scenario including simultaneous operation of key plant, extraction, loading, despatch and truck movements.</li> <li>The assessment predicted compliance with existing consent limits, EPL limits and relevant noise criteria at all assessed residential receivers.</li> <li>The NIA found road traffic noise from the proposed increase in heavy vehicle movements would increase by less than 2 dB and is not expected to result in a perceptible change. The EPA advised road traffic noise had been appropriately assessed and no further mitigation assessment was required.</li> <li>The Department concluded that the modification is unlikely to result in significant operational or road traffic noise impacts and that noise can continue to be managed under existing consent and EPL requirements, including the approved Operational Noise Management Plan and Traffic Noise Management Plan.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Implementation of the approved Operational Noise Management Plan and Traffic Noise Management Plan (Conditions 27 and 28 of Schedule 4, respectively).</li> </ul>
<p><i>Ecological communities</i></p> <ul style="list-style-type: none"> <li>potential impacts to the Blaxland Creek riparian corridor and nearby Cumberland Plain Woodland</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Public submissions raised concerns about potential impacts to Blaxland Creek, its riparian corridor and nearby Cumberland Plain Woodland from increased extraction activities, runoff, sediment and dust.</li> <li>The Applicant advised that the modification would not change the approved development footprint or require additional vegetation clearing. It also confirmed that there would be no material change to dust emissions or runoff impacts, and that indirect impacts to adjoining ecological communities are unlikely.</li> <li>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.</li> <li>DCCEEW Conservation Programs, Heritage and Regulation did not raise concerns regarding impacts to ecological communities. The Department concluded that the modification is unlikely to result in significant impacts to Blaxland Creek, Cumberland Plain Woodland or other nearby ecological values, and that potential impacts can continue to be managed under existing consent and EPL requirements.</li> </ul> <p><i>Conditions</i></p> <p>No further conditions recommended</p>