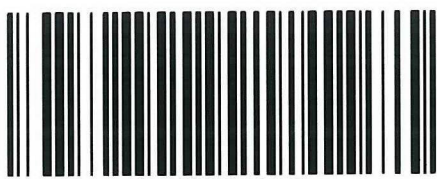


CONFIDENTIAL



PCU070637

30 April 2017

Attention: Director – Industry Assessments
Planning Services
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001



Re: DA 205-08-01 MOD 5, Clyde Waste Transfer Terminal

OBJECTION – to increased tonnage throughput, any and all changes to conditions of consent, and any change to the need for or deletion of a community consultative committee

This development has a history.

In the *Collex* (2003) case in the NSW Land and Environment Court (*Collex* is now Veolia), the development was refused on 10 counts: 6 of merit and 4 of law.

Objections to the proposal exceeded 1600, and that would obviously apply to any extension.

Rather than appeal the decision, the NSW State government put forward a bill that was to become the *Clyde Waste Transfer Terminal (Special Provisions) Act 2003* (NSW). This was only narrowly won in Parliament. Had the 2 Christian Democrats, for instance, voted against, the bill would have been lost.

The case law is still good law; it has never been overturned; and there is therefore an implied objection to any extension to the throughput tonnage allowed under the Act with the more than 100 conditions enshrined after the Supreme Court challenge of 2006. A Supreme Court appeal in 2006 in relation to the development brought all conditions under the Act, and they are to cover the whole area of the development.

Any variation to the conditions (including maximum tonnage) must morally and legally be through Parliament (it is a change to an Act) rather than via a Minister's discretion.

If the Minister is to make the decision then he must rule against the DA based on the foregoing history / argument. Any extension is a challenge to the outcome of the *Collex* case which opposed the development and impliedly any extension. It is still good law.

Yours faithfully

