Modification of Development Consent

Section 4.55(1A) 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.

Lindsey Blecher
Team Leader
Industry Assessments

Sydney   14 November 2024

SCHEDULE 1

Development Consent

Development consent:	MP06_0050 granted by the then Director-General on 7 August 2009
For the following:	Spent Potlining Recycling Facility at Tomago Road, Tomago

Modification 4

Modification Application:	MP06_0050-Mod-4

Modification to:

- Construct and operate a container cleaning station and use an existing container hardstand area as a transit area for temporary storage of SPL containers

Applicant:	Regain Services Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	638 Tomago Road, Tomago
	Lot 3 in DP 808004

SCHEDULE 2

The Approval is as follows:

In Definitions:

1. Delete the definitions for Department, Planning Secretary, Project and Statement of Commitments and insert the following definitions in alphabetical order.

Department	Department of Planning, Housing and Infrastructure
MOD 4	Environmental Assessment titled Modification Report SPL Container Cleaning Station and Transit Area dated 26 July 2024, prepared by AECOM Australia Pty Ltd,
	Response to submissions report titled Regain Services - Additional Information for MOD 4 dated 22 February 2024 prepared by AECOM Australia Pty Ltd, and
	Supplementary information titled Regain Services - MOD 4 - Request for Additional Information, July 2024 dated 1 August 2024 prepared by AECOM Australia Pty Ltd
Planning Secretary	Secretary of the Department or delegate
Project	The Project as described in the EA, MOD 1, MOD 2 and MOD 4
Statement of Commitments	The Proponent's commitments contained within in the EA and documents associated with MOD 1, MOD 2 and MOD 4.

In Schedule 2:

1. Delete Condition 2 and replace with the following:

> 2. The Proponent shall carry out the project generally in accordance with the:
> a) Project Application 06_0050;
> b) EA;
> c) MOD 1;
> d) MOD 2;
> e) MOD 4;
> f) Project layout plans and drawings listed in Appendix A and Appendix A1;
> g) statement of commitments; and
> h) conditions of this approval.

In Schedule 3:

3. Delete Condition 15A and replace with the following:

> 15A. Prior to the commencement of Stage 1 and MOD 4 operations, the Proponent must design, install and operate a stormwater management system (SMS) for the Project. The SMS must:
>
> a) be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
>
> b) be in accordance with the Project as modified by MOD 2 and MOD 4 and the plans at Appendix A and Appendix A1 of this approval;
>
> c) be in accordance with applicable Australian Standards; and

d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.

e) demonstrate that the first-flush system is adequately sized to accommodate all catchment areas that would report to the system.

4. In Condition 15B, insert the words "and MOD 4" immediately following the words "Stage 1"

5. Insert a new heading and new Condition 15D, immediately after Schedule 3 Condition 15C as follows:

Container Cleaning Station and Container Transit Area

15D. The hardstand area of the Container Cleaning Station must be impervious and fully bunded, to contain any contaminated liquids and solids.

6. Insert new Condition 15E immediately after Schedule 3 Condition 15F as follows:

15E. SPL shipping containers must remain closed and sealed until such time they are unloaded in Shed 5.

In Appendices:

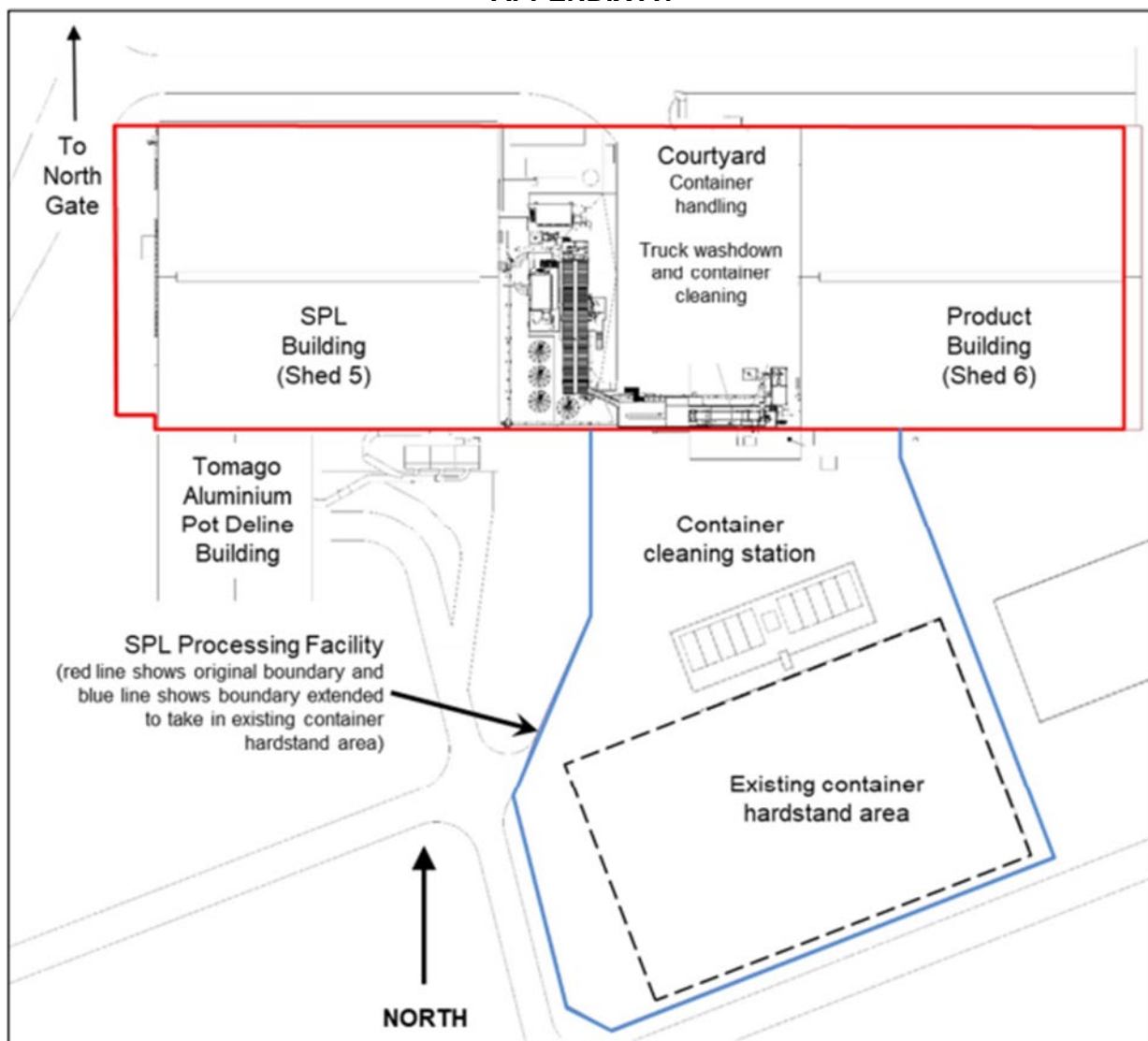7. Insert new heading and Appendix A1 immediately after Appendix A as follows

APPENDIX A1

Figure 2: Extended Site Layout

End of modification

(MP06_0050-MOD-4)