



Elizabeth Drive Landfill | DA 19/0470

ANNUAL COMPLIANCE REPORT

Prepared for CleanAway | 5 April 2022



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Date 5 April 2022 5 April 2022

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1 INTRODUCTION

1.1 The site

The Elizabeth Drive Landfill (the site) is located at 1725a Elizabeth Drive, Kemp Creek, New South Wales (NSW). The site is legally described as Lot 1 DP 542395 and Lot 740 DP 81011 and is currently occupied by the Kemps Creek Resource Recovery Park, which includes both the active land fill operation and the SUEZ Advanced Waste Treatment (SAWT) facility and landfill gas to energy system.

The site has a total land area of 85 hectares with the footprint of the waste management activities occupying approximately 60 hectares; the SAWT facility occupies 7 hectares and the remainder of the site is reserved for vegetation buffers and ancillary facilities. Directly adjoining the site to its west is Badgerys Creek, with a vegetation buffer maintained along most of its length. The site is accessed from Elizabeth Drive via a public access road approximately 600 metres (m) in length.

The subject site is zoned 'Enterprise' and 'Environment and Recreation' under State Environmental Planning Policy (Western Sydney Aerotropolis) 2020. The now current Enterprise zoning and Environment and Recreation zoning align with the previously applicable RU2 and E2 zone boundaries.

The surrounding area currently comprises of primarily rural residential development and smaller areas of residential development. The site is approximately 800 m north from the construction site for the future Western Sydney International (Nancy Bird Walton) Airport (situated along the southern side of Elizabeth Drive), which is driving a range of broader land use changes in the region. This includes changes in land use and the construction of infrastructure to support the future airport such as the NSW Government's Western Sydney Aerotropolis and the proposed M12 and M9 motorways to be positioned to the north and west of the subject site.

1.2 Background

In 1990, approval was granted by Penrith City Council for the 'continued operation and backfilling of Badgerys Creek Quarry' (DA451/89). Most of the site is currently occupied by quarrying and landfill operations. Major Project Approval (MP06-0185) under Part 3A of the Act was granted in April 2008 for the construction of the SAWT facility. This facility has been in operation since 2009 with approximately 55% of incoming material delivered to the SAWT diverted from putrescible landfill. DA12/0515 was approved in May 2013 for two 1.4 MW generators within the site which operate a supply of landfill gas from the landfill. Power generated by the landfill gas to energy system is used to power the SAWT facility, with excess power being delivered to the electricity network.

DA19/0470 was approved in July 2020 by the Sydney Western City Planning Panel for an expansion of the existing landfill facility to increase its capacity from 750,000 to 950,000 tonnes per annum of non-putrescible general solid waste and restricted solid waste, with an increased cap height of 15m and a landfill air space capacity of approximately 4.8 million cubic metres.

DA19/0470 was modified in March 2021 to delete Conditions 58, 63 and 64.

1.3 Purpose of this report

CleanAway is to provide an annual report to Council in relation to compliance or otherwise with any of the conditions of DA19/0470. Per Condition 19, the report must also indicate CleanAway's response to any emergencies, incidents etc.

2 APPROVED ACTIVITIES

The site operates as a waste disposal facility, accepting various types of non-putrescible wastes. The typical process includes:

1. Waste is transported to the site via a weighbridge at the entrance where it is weighed and classification confirmed.
2. Waste is transported to the active tip face, where it is tipped and compacted.
3. Waste is covered daily.

DA19/0470 has not changed the nature of landfilling operations and the activities listed below have consent:

- Accepting an average of approximately 950,000 tpa of non-putrescible waste per year into the existing general solid waste and restricted solid waste cells.
- Extraction from site of the following materials:
 - Light firing clay
 - Dark firing clay
 - Light firing shale

There is no limit to the volume of material extracted from site, but extraction quantities are to be monitored and an audited report provided to the NSW Environment Protection authority every year declaring the total amounts of each quantity and their destinations.

- Final capping height of reduced level (RL) of 95m.
- Stormwater dams and leachate tanks.
- Gas management infrastructure to capture and destroy landfill gas.
- Ancillary buildings including:
 - Weighbridge
 - Small vehicle drop-off area
 - Maintenance workshops
 - Administrative buildings
 - Truck wheel wash
 - Vehicle and plant refuelling area
 - Parking for waste collection vehicles servicing Penrith City Council, and
 - Staff and visitor car parking.

All quarrying and waste compaction activities at the site are conducted between the following hours:

- Monday to Friday, 7am to 6pm
- Saturday, 7am to 5pm, and
- Sunday and Public Holidays, 8am to 5pm.

All waste receipt activities at the site are only conducted between the following hours:

- Monday to Friday, 6am to 6pm
- Saturday, 7am to 5pm, and
- Sunday and Public Holidays, 8am to 5pm.

3 COMPLIANCE ASSESSMENT

3.1 Development of compliance scope

In accordance with Condition 19 of DA19/0470, the scope of this compliance review comprised:

- An assessment of compliance with all conditions of DA19/0470.
- A review of the environmental performance of the Project, including an assessment of actual impacts compared to predicted impacts documented in the environmental impact assessment.
- Inspecting the physical extent of the site in comparison with the approved boundary.
- Incidents, non-compliances and complaints that occurred or were made during the audit period.

3.2 Reporting period

DA19/0470 was approved in July 2020, therefore the reporting period for this annual review is 1 August 2020 to 31 July 2021.

3.3 Compliance evaluation

The compliance status descriptors applied to this review are stated in Table 3.1.

Table 3.1 Compliance status descriptors in this audit

Descriptor	Definition
Compliant	Sufficient verifiable evidence collected to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	One or more specific elements of the condition or requirements have not been complied with within the scope of the review.
Not triggered	An activation or timing trigger has not been met during the reporting period, therefore an assessment of compliance is not relevant.

The review comprised evaluating compliance based on verifiable evidence. Verifiable evidence included:

- review of the relevant records, documents and reports including correspondence and website content.
- visual observation and photographs taken during a site inspection.
- on-site (during site inspection) and off-site emails or phone calls with the relevant personnel, and
- review of the environmental monitoring data and analysis including the period covered by the monitoring data.

4 COMPLIANCE FINDINGS

4.1 Compliance performance

A summary of compliance findings against DA19/0470 is shown in Figure 4.1. The detailed evidence and findings are provided in Appendix A.

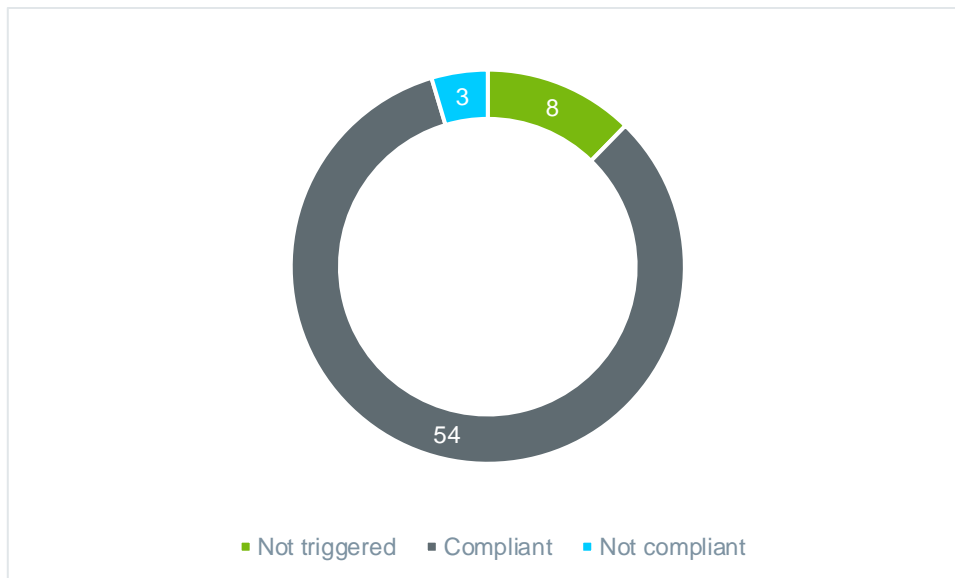


Figure 4.1 Status of compliance with DA19/0470

4.2 Summary of agency notices, orders, penalty notices or prosecutions

The site has not been issued with agency notices, enforcements, orders, penalty notices or prosecutions during the reporting period.

4.3 Non-compliances

Findings for non-compliances identified during the review are described in Table 4.1.

Table 4.1 Non-compliance findings

Condition	Requirement	Findings	Recommendations
44	A noise mitigation action plan is to be prepared within six (6) months of the date of this consent by a suitably qualified person to address future noise non-compliance's or complaints as provided by Section 4.0 'Feasible and reasonable management of impacts', Supplementary Noise and Vibration Impact Assessment prepared by AECOM, dated 12 November, 2019. The plan is to be to the satisfaction of Penrith City Council.	The Noise Mitigation Action Plan (NMAP) for Elizabeth Drive Landfill Expansion (March 2021) has been prepared by a suitably qualified person within 6 months of the consent. However, no evidence has been provided demonstrating the NMAP was submitted to Penrith City Council for endorsement	Submit the NMAP to Penrith City Council and seek their endorsement.

Condition	Requirement	Findings	Recommendations
48	<p>The extraction of any material from the site is to be monitored. The monitoring will identify the type of material that has been extracted and its destination either within the site (as cover material, etc) or off the site. Materials will be classified as: light firing clay, dark firing clay, and light firing shale.</p> <p>In conjunction with the annual review of the Landfill Environment Management Plan, an audited report is required to be provided to the NSW Environmental Protection Authority indicating the total amounts of each type of material extracted and their destinations. Light firing clay/shales are to be made available only to brick making companies and in addition are not to be used as cover material or restoration material.</p>	<p>No evidence has been provided to confirm if the volume of extracted material has been monitored and/or whether an audited report prepared in compliance with Condition 48 has been submitted to the EPA.</p>	<p>For future extracted material, engage a suitably qualified professional to review the extraction monitoring data and prepare an audited report which meets the requirements of this condition.</p>
62	<p>Total vehicle movements are not to exceed an average of 640 per day, measured over a calendar year, with an upper limit of 780 per day. Upon request, a vehicle movement log (or similar) is to be provided of total movements to the subject site over a calendar year.</p>	<p>No evidence has been provided to confirm if these movement limits have been monitored.</p>	<p>Provide evidence to demonstrate vehicle movements have not exceeded the daily average or daily upper limit numbers.</p>

4.4 Complaints

A review of the Complaints Register and interviews with site personnel confirmed that one complaint were received during the review period. This complaint pertained to “product quality” and was not environment related. This complaint was closed on 26 February 2021

4.5 Incidents

One environmental incident has been recorded during the reporting period, relating to surface water running from the site into the SAWT leachate dam. This incident was recorded on 12 August 2020 and was the result of an excavator damaging a bund wall. The bund wall was repaired on 9 September 2020.

4.6 Site inspection

The site inspection was carried out on 13 May 2021. Visual observations during the inspection confirmed that the environmental controls in all active work areas were adequate and consistent with the approved management plans.

APPENDIX A

COMPLIANCE TABLE DA19/0470

#	Condition	Findings	Evidence collected	Recommendations	Status
1	The development must be implemented substantially in accordance with the following approved plans and documents, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and documents and by the following conditions.	Noted			Compliant
	General Terms of Approval issued by the Environment Protection Authority, Notice Number: 1594697, dated 11 May, 2020,	Noted			
	Elizabeth Drive Landfill Expansion Technical Advice prepared by GHD, dated February, 2020,	Noted			
	Bushfire Risk Assessment prepared by Australian Bushfire Consulting Services, Reference No. 18205/1, dated 3 October, 2018.	Noted			
	Noise and Vibration Technical Report prepared by AECOM, Document Status: Final, dated 12 July, 2019 and Supplementary Noise and Vibration Impact Assessment prepared by AECOM, dated 12 November, 2019 and Supplementary Noise Impact Assessment prepared by AECOM, dated 25 February, 2020,	Noted			
	Air Quality Impact Technical Report prepared by AECOM, Document Status: Final, dated 12 July, 2019 and Supplementary Air Quality Impact Assessment prepared by AECOM, dated 12 November, 2019 and Supplementary Air Quality Impact Assessment prepared by AECOM, dated 25 February, 2020, and	Noted			
	Greenhouse Gas Calculations prepared AECOM, Document Status: Final, dated 12 July, 2019.	Noted			
2	Adequate water supply and fire fighting equipment are to be provided close to the	There are five sedimentation dams located on the site. A water truck is maintained	Landfill Environmental Management Plan;		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
	working face. Prompt action to extinguish fires should be undertaken if required.	permanently on the site for dust and fire control.	Emergency Response Plan; Site observation.		
3	A stockpile of at least 1000 tonnes of excavated material (not topsoil) is to be maintained onsite for use as emergency cover throughout the life of the facility.	There is more than 1000 tonnes of excavated material available on site that can be used as emergency cover.	Landfill Environmental Management Plan; Site observation.		Compliant
4	The whole of the site operations are to be under the control of a Site Manager whose duties will include: (a) Presence at the site at all times whilst the facility is open, (b) Control of all employees working on the site, (c) Control of all persons on the site, and (d) The implementation or oversight of the conditions of this approval.	The Landfill Manager ensures the provision of adequate training for workers on-site to ensure that all requirements described in this EMP are met. It is also the Landfill Manager's responsibility to provide adequate training to all workers performing critical tasks, such as inspection and direction of incoming wastes, operation of the equipment and environmental management on-site.	Landfill Environmental Management Plan; Site interview.		Compliant
5	The development shall comply at all times with the General Terms of Approval, Notice Number 1594697, dated 11 May, 2020 issued by the Environment Protection Authority.	The development is currently operating in accordance with the information supplied to the EPA and the environment protection licence has been varied on 6 July 2021 (Notice no. 1608687) to align with Development Consent 19/0470.01 (which includes the General Terms of Approval issued by the EPA on 11 May 2020).	Notice No: 1605744 https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1608687		Compliant
6	The applicant must deliver a signed 'Notice of Modification' to Penrith City Council in accordance with the requirements of Clause 97 of the Environmental Planning and Assessment Regulation 2000 within twelve (12) months of the date of this determination.	DA 19/0470 was determined on 27 July 2020.			Compliant
	The 'Notice of Modification' is to be provided in relation to DA08/0958 (as amended) and identify that: a) DA08/0958 is to be limited to the geographical extent of the part of the site zoned E2 Environmental Conservation under the Penrith Local Environmental Plan 2010, and	Email correspondence sent from SUEZ on 24/06/2021 to Penrith City Council, including a Notice of Modification. This notice was sent within 12 months of the DA determination and was accepted by PCC.	Email correspondence from Maya Goldsmith (PCC) dated 24 June 2021. Notice of Modification letter composed by SUEZ dated 18 June 2021.		

#	Condition	Findings	Evidence collected	Recommendations	Status
	<p>b) The conditions provided within DA08/0958 are to be modified so as to facilitate the integration between this Development Consent and Development Consent DA19/0470.</p> <hr/> <p>The provision of any 'Notice of Modification' to Penrith City Council is to be accompanied by written evidence from both Penrith City Council and the Environment Protection Authority indicating satisfaction with any amended conditions of consent, plans or documents.</p>				
7	<p>Prior to altering the existing approved waste management and resource recovery facility, altering finished landform and increasing waste capacity at the premises;</p>				Compliant
	<p>a) The applicant must apply to the Environment Protection Authority and be issued with a variation to the existing Environment Protection Licence No. 4068.</p>	<p>The environment protection licence has been varied on 6 July 2021 to align with Development Consent 19/0470.01 (which includes the General Terms of Approval issued by the EPA on 11 May 2020).</p>	<p>Notice No: 1605744 https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1608687</p>		
	<p>b) 7 days prior to the commencement of operations under this development consent (and the alterations to the existing approved waste management and resource recovery facility, finished landform and waste capacity at the premises it approves), a copy of the amended Environment Protection Licence No. 4068 is to be provided to Penrith City Council.</p>	<p>SUEZ notified PCC of the variation to EPL 4068 on 24 August 2021. PCC acknowledged the notification, confirming that PCC had received the notification in accordance with Condition 7(b) of DA19/0470 and the modification application.</p>	<p>Email correspondence from Sufyan Nguyen (PCC) dated 25 August 2021. Notice of Variation of Licence No. 4068 dated 6 July 2021.</p>		
	<p>c) The proposal is to operate in accordance with the amended Environment Protection Licence No. 4068 issued by the Environment Protection Authority and the conditions of this development consent at all times.</p>	<p>The development is operating in accordance with EPL 4068, as varied on 6 July 2021. An Annual Return for the period 31 December 2019 to 30 December 2020 was received by the EPA on 26 February 2021.</p>	<p>Statement of Compliance - 4068 - From 31-12-2019 To 30-12-2020</p>		
	<p>(Note: also the requirements in relation to the updated Landfill Environmental</p>	<p>Noted.</p>			

#	Condition	Findings	Evidence collected	Recommendations	Status
	Management Plan (LEMP) required by condition 38).				
8	<p>All quarrying and waste compaction activities at the premises must only be conducted between the following hours:</p> <p>Monday to Friday: 7.00am to 6.00pm, Saturday: 7.00am to 5.00pm, and Sunday and Public Holidays: 8.00am to 5.00pm.</p> <p>All waste receipt activities at the premises must only be conducted between the following hours:</p> <p>Monday to Friday: 6.00am to 6.00pm, Saturday: 7.00am to 5.00pm, and Sunday and Public Holidays: 8.00am to 5.00pm.</p>	<p>The development operates per the hours approved in condition 8. These operational times are stated in Elizabeth Drive Landfill's Environmental Management Plan (March 2021) and Noise Mitigation Action Plan (April 2021)</p>	<p>Elizabeth Drive Landfill's Environmental Management Plan (March 2021) Noise Mitigation Action Plan (April 2021)</p>		Compliant
9	<p>Only non-putrescible solid wastes as defined by the Waste Classification Guidelines as provided by the NSW Environment Protection Authority are to be accepted for disposal on the site.</p> <p>The maximum amount of non-putrescible solid wastes which may be imported onto the site for landfilling is 950,000 tonnes per annum. The quantity of waste received is not to exceed that required to achieve the final landform profile and height as approved.</p>	<p>On review of the monthly Mandalay report and EPL 4068, only non-putrescible wastes have been received on the site.</p>	<p>EPL 4068 Monthly Mandalay Reports</p>		Compliant
10	<p>Prior to the commencement of any works associated with this consent, the approved landscape plan as provided in Condition 1 is to be amended to the satisfaction of Penrith City Council to provide for the following;</p>	<p>The Landscape Plan listed in Condition 1 is dated 24 June 2019 and was prepared by AECOM to address condition 10. The Landscape Plan was updated in March 2021 to include record of consultation and revised landscape plan and boundary vegetation report to address comments from neighbouring landowners. The Landscape Plan, including boundary vegetation report and email correspondence</p>	<p>Email correspondence from Sufyan Nguyen (PCC) dated 10 June 2021.</p>		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
		with neighbouring properties was submitted to PCC on 21 April 2021. PCC acknowledged receipt of the email and attached documents on 10 June 2021, noting that the landscape plans, drawing numbers 21-12539253-L010/L020/L030, Revisions: B/D, dated 15 December 2020, prepared by GHD and Boundary Vegetation Report – SUEZ Kemps Creek Landfill Site prepared by Toolijooa Environmental Restoration satisfied Condition 10 of DA19/0470.			
	a) plans and sections are to be provided identifying the boundary interface to adjoining sites including the following requirements: Adjoining sites RL levels, existing buffer conditions including width, height of mound, fencing and vegetation, Identify any augmentation to the mounds/fencing/screening, An identification of all new plant species, number of new plants to be planted and pot size to be provided (for each new species), to the existing vegetation buffers along the northern, eastern and southern perimeter of the subject site, and Extent to which visual mitigation of operations and final landform is anticipated to be achieved by the above measures.	Plans and sections have been provided. Plans and sections identify boundary interfaces, relative levels, existing vegetative and visual buffers, plant schedule, planting areas and other general notes applicable to the landscape.	Appendix 32 (Landscape Plan) of the Landfill Environmental Management Plan		
	b) evidence that SUEZ taken into account reasonable consultation with the owners of adjacent properties along its southern, eastern and northern boundary in regard to visual screening mitigation to be provided and maintained.	Consultation with the following agencies and neighbouring landowners was undertaken by SUEZ in preparing the Landscape Plan: Western Sydney Airport (WSA Co), Mirvac, Sydney University, Western Sydney Recycling Pty Ltd, Kingsfield Stud, Bulk Resources Management, Egg Basket Pvt Ltd, Residents at 136, 1783, 1970, and 2010 Elizabeth Drive.			
11	The development is to be carried out in three (3) stages as per approved Sheet No.	The staging is relevant to the final design levels and capping. Once waste have been	Environmental impact statement: Elizabeth Drive		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
	60571292SHTCI00007 (Indicative Stage 1 Fill Layout), Sheet No. 60571292SHTCI-00008 (Indicative Stage 2 Fill Layout) and Sheet No. 60571292SHTCI00009 (Indicative Stage 3 Fill Layout), all prepared by AECOM, all Issue B, all dated 4 February, 2019.	placed up to the approved design levels of each stage, that stage would then be capped to minimise leachate generation, windblown litter, potential odour and dust.	Landfill Expansion (July 2019).		
12	Landfill gas burning within the site is to remain consistent with the current capacity and the conditions of DA12/0515. Any changes to the nature or rate of gas burning may only be implemented if approved via development application. In the event of unexpected or emergency landfill gas burning (such as for safety reasons), the applicant is to report such events immediately to the Western Sydney Airport Authority and the NSW Environment Protection Agency.	There has been no change to the nature or rate of gas burning. Monitoring results indicate that the concentrations of landfill gases detected within the monitoring wells demonstrate that landfill gas is contained within the landfill and is not migrating off site	Report on Landfill Subsurface Gas Monitoring June 2020; Report on Landfill Subsurface Gas Monitoring September 2020; and Report on Landfill Subsurface Gas Monitoring December 2020		Compliant
13	A noise complaint phone number and email address is to be provided on the SUEZ Kemps Creek Resource Recovery Park website. The details of each noise complaint received (including the person complaining, date, time and nature of complaint) are to be recorded. The actions taken to resolve the complaint and the time taken to resolve the complaint are to be recorded. The noise complaint records are to be made available to Penrith City Council on request.	The SUEZ website for Elizabeth Drive includes and environmental report hotline, which is available 24/7. Complaints can also be reported via a form on the website which sends the complaint via email. A complaint register is available via the website and information is available on request.	https://www.suez.com.au/en-au/who-we-are/suez-in-australia-and-new-zealand/environmental-reporting-australia/elizabeth-drive-landfill		Compliant
14	The Emergency Response Plan for existing operations on the subject site is to be updated so as to also specifically address bush fires and include appropriate triggers and responses to a bush fire event onsite in accordance with Planning for Bush Fire Protection 2006. Details of the updated Emergency Response Plan are to show concurrence from the NSW Rural Fire Service and be provided to Penrith City Council prior to the operation of this consent.	The Emergency Response Plan was updated to address bushfire and provided, inclusive of evidence of consultation with RFS, to PCC via email correspondence on 31 March 2021.	Email correspondence from Mollie Hollingshead (SUEZ) dated 31 March 2021.		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
15	A re-assessment of the site's restoration and bush fire protection measures is to be undertaken at the time that the site ceases to operate as an active landfill. Written evidence is to be provided from the Rural Fire Service identifying that any document prepared is in accordance with Planning for Bush Fire Protection 2006 (or the relevant document at the time) and a copy provided to Penrith City Council at the time that the site ceases to operate.	Noted. This condition is not relevant currently as the site is an active landfill.			Not triggered
16	Council staff or agents of Council may enter the site at all reasonable times to inspect the works and any other operational aspects as necessary.	Noted. Council has been provided access to the site whenever access has been requested.	Site interview	Include this requirement in the Landfill Environmental Management Plan.	Compliant
17	Upon request, the applicant is to provide, or arrange provision of, any information required by, or on behalf of Council, in relation to compliance or otherwise with any conditions of this consent. Information should be furnished within 2 weeks of any request except as agreed otherwise by Council.	Noted. SUEZ has provided information when requested by Council.		Include this requirement in the Landfill Environmental Management Plan.	Compliant
18	The applicant shall indemnify and keep indemnified the Council from and against all damages, claims, demands, proceedings, costs and expenses which arise from any aspect of the site operations.	Noted.			Not triggered
19	The applicant is to provide an annual report to Council in relation to compliance or otherwise with any of the conditions of this consent. This report must also indicate the response of the applicant and/or operator to any emergencies, incidents, etc.	This report.	This report.		Compliant
20	A separate development approval shall be obtained for the erection of any signage, other than signage listed as exempt development.	Noted. No signage, other than signage listed as exempt development, has been erected.			Not triggered

#	Condition	Findings	Evidence collected	Recommendations	Status
21	No retail sale of any materials extracted, produced or recycled on the site shall be conducted from the subject premises.	Noted. No retail sale of materials extracted, produced or recycled has been conducted on the site premises.			Not triggered
22	The proponent shall ensure that lighting associated with the project: a) complies with the latest version of Australian Standard AS 4282 (INT) Control of Obtrusive Effects of Outdoor Lighting; b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the surrounding public road network; and c) lighting and light spill does not cause distraction to aircraft pilots associated with the operations of Western Sydney Airport. Lighting is to be design in consultation with Western Sydney Airport with evidence of consultation to be provided upon request.	Supporting buildings and structures such as the weighbridge, on-site utilities, administration building, workshop and leachate management systems remain as per previous consents. No permanent external lighting has been installed during this reporting period. No light spill complaints have been reported.	Complaint register; Site interview.		Compliant
23	The applicant shall meet the requirements of all public authorities having statutory responsibilities in respect of the proposed development.	Noted. SUEZ continues to meet all requirements of all public authorities.	Site interview		Compliant
24	All conditions of this consent shall be complied with throughout the lifetime of the site operations and until such time as a Statement of Completion is issued for the site by the Environment Protection Authority as provided by Environment Protection Licence No. 4068 (as amended).	Noted.			Not triggered
25	Prior to the final capping of the subject site in association with landfill operations, landscape plans associated with the future capping are to be reviewed by an ecologist (or suitably qualified person) and Western Sydney Airport authorities to identify and minimise the possibility of future impacts to operations of Western Sydney Airport in relation to the possible attraction of wildlife.	Noted.			Not triggered
26	No stockpiling of materials or provision of structures associated with landfilling	There is no stockpiled materials or structures above RL 95. A review of publicly available elevation information indicates the	Elvis - Elevation and Depth - Foundation Spatial Data		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
	activities to the site is at any time to sit above a maximum RL 95.	highest point, near the centre of the development lot, to be ~RL 68 metres.			
27	Works to be provided as identified by Condition 10 of this Development Consent are to be undertaken prior to altering the existing approved waste management and resource recovery facility adjoining the relevant boundary to be carried out by the 3 identified stages as per approved Sheet No. 60571292SHTCI00007 (Indicative Stage 1 Fill Layout), Sheet No. 60571292SHTCI-00008 (Indicative Stage 2 Fill Layout) and Sheet No. 60571292SHTCI00009 (Indicative Stage 3 Fill Layout), all prepared by AECOM, all Issue B, all dated 4 February, 2019. Confirmation of instalment of all necessary works is to be confirmed by a suitably qualified person and provided to Penrith City Council.	A boundary vegetation report (undated) has been prepared, consulted and incorporated into the Landscape Plan. Confirmation of instalment of all necessary works will be confirmed by a suitably qualified person once completed.	Appendix 32 of Landfill Environmental Management Plan		Compliant
28	All boundary buffers (mounds, fencing, planting, etc) are to be inspected by a suitably qualified person on an annual basis for the operating life of the facility. All boundary buffers are to be maintained following the capping of the operations as approved.	A boundary vegetation report (undated) has been prepared, consulted and incorporated into the Landscape Plan.	Appendix 32 of Landfill Environmental Management Plan		Compliant
29	The applicant shall maintain (as required to be amended) the site's Environmental Protection Licence (No. 4068) as issued by the NSW Environment Protection Authority (EPA).	EPL 4068 is currently active and in force. SUEZ submits annual returns to the EPA after the December anniversary date.	EPA public register: https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=4068&id=4068&option=licence&searchrange=licence&range=POEO%20licence&pp=no&status=Issued		Compliant
30	If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office. The applicant is advised that depending on the possible significance of the relics, an	No relics have been discovered.	Site interview		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
	archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.				
31	During operating hours, the site access road must be inspected twice per day and cleaned with a high pressure water spray using onsite water carts if clumps of dirt, deposited sediment or other soil or waste debris are present.	A water cart operates full time at the site to provide dust and fire control.	Landfill Environmental Management Plan; Site observation		Compliant
32	The Environment Protection Authority has the right to impose any additional control or treatment measures as may, in its opinion, become necessary upon the area of site operations.	Noted. The EPA has not imposed any additional control or treatment measures since the EPL was last varied on 6 July 2021.	EPA public register: https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=4068&id=4068&option=licence&searchrange=licence&range=POEO%20licence&prp=no&status=Issued		Compliant
33	All unsealed roads on or serving the development shall be dampened by a water cart to prevent dust generation. A water cart shall be available for onsite use at all times.	A water cart operates full time at the site to provide dust and fire control.	Landfill Environmental Management Plan; Site observation		Compliant
34	Radiator fan backwash and engine exhaust gases from all mobile equipment on the site must be directed away from the ground.	During the site inspection no fan backwashes or exhausts were observed to be directed down towards the ground.	Site observations		Compliant
35	The site is to be fenced with industrial chainwire fencing with 3 strands of barb wire at the top, to a minimum height of 1.8m with gates of similar construction.	The entire boundary of the site is fenced.	Site observation		Compliant
36	All runoff, including that from truck wash-down facilities (and sediment) from within the extraction area, must be directed towards onsite sediment basins.	All runoff, including that of truck wash-down facilities, is directed to on-site sediment basins.	Sheets: 60571292-SHT-CI--00010; 60571292-SHT-CI--00011; 60571292-SHT-CI--00012		Compliant
37	All water needed for dust suppression, irrigation, fire fighting, etc must be collected from runoff from the site or sources satisfactory to Council. Sufficient water must be available for these purposes. Water is not to be pumped from Badgerys Creek. Any excess surface water within site,	All surface water runoff, including that of truck wash-down facilities, is directed to on-site sediment basins. A water cart operates full time on site, providing dust and fire control.	Landfill Environmental Management Plan; Site observation		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
	including runoff, is to be directed towards onsite sediment basins.				
38	1) Seven (7) days prior to the commencement of operations under this development consent, the applicant must supply to Penrith Council written confirmation of satisfaction from Environmental Protection Authority of an updated Landfill Environmental Management Plan (LEMP) reflective of the approved development and requirement to amend the existing Environmental Protection Licence No. 4068 as provided by Condition 7 of this Consent, together with a copy of that updated LEMP.	The Landfill Environmental Management Plan (LEMP) has been updated in March 2021 to reflect the development consent. The environment protection licence was varied on 6 July 2021 to align with Development Consent 19/0470.01 (which includes the General Terms of Approval issued by the EPA on 11 May 2020).	Landfill Environmental Management Plan (March 2021) Notice No: 1605744 https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1608687		Compliant
	2) The updated LEMP is to:				
	a) reflect conformity with the EPAs Environmental Guideline: Soil Waste Landfills 2016 (or such similar guidelines as are then applicable),	The EPAs Environmental Guideline: Soil Waste Landfills 2016 has been referenced in the preparation of the LEMP. EDL implements the minimum standards of the guideline that are applicable to the operational phase of the development.	LEMP Environmental Guidelines: Solid Waste Landfills, Second edition (EPA 2016)	Include objectives of the EPA guideline and cross-reference to where the objective has been met in the LEMP	
	b) identify any updates to the monitoring and reporting on impacts and environmental performances of the development given the increased scale of facility, its location and adjoining current and future uses	Environmental monitoring requirements are identified in Section 5 of the Landfill Environmental Management Plan.	Section 5 of the Landfill Environmental Management Plan		
	c) provide for the progressive rehabilitation of the completed landfill cells to achieve the final landform as approved.	The Landscape Plan (Appendix 32 of the Landfill Environmental Management Plan) details the progressive revegetation of the site.	Appendix 32 of the Landfill Environmental Management Plan		
	d) detail the vegetation types, maintenance, monitoring and performance criteria for the proposed rehabilitation.	The Landscape Plan (Appendix 32 of the Landfill Environmental Management Plan) details the progressive revegetation of the site.	Appendix 32 of the Landfill Environmental Management Plan		
	e) include a Landfill Closure and Rehabilitation Plan (LCP) for the Sie and the E2 zoned land (under DA08/0958 as modified which form part of operations and	A Preliminary Landfill Closure and Rehabilitation Plan (Appendix 34 of the Landfill Environmental Management Plan)	Appendix 34 of the Landfill Environmental Management Plan		

#	Condition	Findings	Evidence collected	Recommendations	Status
	rehabilitation commitments) prepared by a suitably qualified and experienced expert(s) taking into account consultation with Penrith Council and EPA. The LCP is to define objectives and criteria for rehabilitation and closure, describe the measures to be implemented, calculate the anticipated cost of implementing the measures, describe how performance of measures would be monitored over time and include details of the post closure management measures for all aspects of the site and E2 lands, including ongoing management of the capped waste mass, procedures for the final capping and rehabilitation, describe ongoing surface water and leachate management and other environmental controls, detail landfill gas monitoring and maintenance and identify future land use/s on the site. The LCP may identify further detail to be provided to the EPA and Penrith Council where considered appropriate at nominated times prior to the anticipated closure of the facility.	details the progressive rehabilitation of the site.			
	f) provide for the measures to address the mitigation considerations discussed in the Visual Impact Assessment.	Mitigation measures identified in the Visual Impact Assessment focus on screening planting, vegetation management and plant/species selection. All these requirements are addressed in the Landscape Plan.	Appendix 32 of the Landfill Environmental Management Plan		
	g) describe required dust monitoring and groundwater, subsurface gas and leachate monitoring.	Environmental monitoring requirements are identified in Section 5 of the Landfill Environmental Management Plan.	Section 5 of the Landfill Environmental Management Plan		
	h) identify infrastructure on the E2 zoned land that the operation is directly reliant upon (such as stormwater dams which receive stormwater received from the approved waste management and resource facility and leachate storage tanks).	Section 2.3 and Figure 2.2 of the Landfill Environmental Management Plan identify infrastructure on the E2 zoned land, that the site is reliant on (i.e. stormwater dams).	Section 2.3 and Figure 2.2 of the Landfill Environmental Management Plan		

#	Condition	Findings	Evidence collected	Recommendations	Status
	i) minimisation of the consumption of portable water, and greenhouse gas emissions.	The use of potable water is minimised through the reuse of captured storm water for dust and fire control. Greenhouse gas emissions from the development are minimised through the landfill gas collection and gas energy system.	Landfill Environmental Management Plan		
	3) The applicant must implement the LEMP (and the LCP it includes) so provided for the duration of the development.	The Landfill Environmental Management Plan is being implemented on site.	Site observation; Site interviews.		
	4) A copy on the updated LEMP is to be made available to immediate neighbours at no cost on request.	Noted. Not triggered.			
	5) The updated LEMP is to identify infrastructure on the E2 zoned land that the operation is directly reliant upon (such as dams which receive storm water received from the approved waste management and resource facility).	Section 2.3 and Figure 2.2 of the Landfill Environmental Management Plan identify infrastructure on the E2 zoned land, that the site is reliant on (i.e. storm water dams).	Section 2.3 and Figure 2.2 of the Landfill Environmental Management Plan		
	6) All infrastructure on the E2 zoned land that the LEMP identifies the operation is directly reliant upon must be maintained as required by the LEMP for the life of the facility (and into perpetuity where identified in the LEMP as being so required).	Section 2.3 and Figure 2.2 of the Landfill Environmental Management Plan identify infrastructure on the E2 zoned land, that the site is reliant on (i.e. storm water dams).	Section 2.3 and Figure 2.2 of the Landfill Environmental Management Plan		
39	The facility must not accept waste or recyclable materials from members of the general public.	The site does not have the ability to accept materials from members of the general public.	Site observation		Compliant
40	All access gates are to be kept fully attended whilst the facility is operating and locked when the facility is not operating.	All access gates are fully attended while the facility is operating.	Site observation; Mandalay records.		Compliant
41	Burning of combustible material is not to be permitted on the site.	No intentional burning of material occurs on site. Occasionally spot fires occur; instances of spot fires are recorded as incidents and all actions related to these incidents are recorded.	Incident register		Compliant
42	Operations are to comply with the NSW Smokefree Environment Act 2000 and Smokefree Environment Regulation 2000. Smoking is to be prohibited in proximity to	Smoking is not allowed anywhere near fuel storage and equipment maintenance facilities.	Site observation		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
	any fuel storage and equipment maintenance facilities.				
43	<p>The following dust mitigation measures are to be actioned in the operation of the landfill at all times:</p> <p>Sealing is to be provided to waste delivery haul routes. Sealed roads are to be progressively laid moving onto the landfill towards the tipping face. Only the final 50m of the haul/turnaround area is to remain unsealed.</p> <p>During operating hours the site access road must be inspected twice per day and cleaned with a high pressure water spray using onsite water carts if clumps of dirt, deposited sediment or other soil or waste debris are present.</p> <p>Shale covers are to be placed on nonactive areas of the general and restricted waste cells.</p> <p>Tarps are to be used at night on the general waste cell batters for the life of the project.</p> <p>Hydromulch or similar products with stabilising additives are to be used on disused shale stockpiles.</p>	<p>The main internal access road is asphalted, and haul roads leading off this internal access road are sealed until near the tipping face. A full-time water cart traverses internal access roads to mitigate dust generation.</p> <p>At the end of each day, VENM is applied to all active waste cells.</p> <p>All revegetation and stabilisation will follow the Landscape Plan.</p>	<p>Landfill Environment Management Plan; Site observation; Site interviews; and Aerial imagery.</p>		Compliant
44	<p>A noise mitigation action plan is to be prepared within six (6) months of the date of this consent by a suitably qualified person to address future noise non-compliances or complaints as provided by Section 4.0 'Feasible and reasonable management of impacts', Supplementary Noise and Vibration Impact Assessment prepared by AECOM, dated 12 November, 2019. The plan is to be to the satisfaction of Penrith City Council.</p>	<p>Noise Mitigation Action Plan for Elizabeth Drive Landfill Expansion (March 2021) has been prepared by a suitably qualified person within 6 months of the consent. There is no evidence of the NMAP having been provided to PCC for endorsement</p>	<p>Noise Mitigation Action Plan for Elizabeth Drive Landfill Expansion (March 2021)</p>	<p>Submit the NMAP and seek PCC endorsement.</p>	Non-compliant
45	<p>The applicant is to ensure at all times that wind blown litter is appropriately managed to prevent it leaving the subject site. The management of wind blown litter is to be in accordance with Clause 6.4 Litter and Debris Control of the Environmental</p>	<p>Airborne litter at Elizabeth Drive Landfill is minimised by the progressive use of cover over the active fill areas and by the provision of earth berms around the area being landfilled. During the normal operation of the landfill, the size of the working face is</p>	<p>Landfill Environment Management Plan; Site observation; Site interviews; Aerial imagery</p>		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
	<p>Guidelines: Solid Waste Landfills, Second Edition, 2016 published by the New South Wales Environment Protection Authority. In particular to minimise the litter impact on surrounding properties, the applicant shall Apply daily cover to waste and continuously compact the waste, Install litter fences and inspect and clean litter from all fencing daily, or as required, Retrieve all litter that leaves the site as soon as practicable, and Ensure that sedimentation dams have trash filters to prevent litter being washed or pumped into watercourses.</p>	<p>restricted to as small an area as practicable, dependent on traffic flow. The operations supervisor places portable litter screens, relative to wind direction and working areas, to capture any windblown litter. Litter is cleaned from the screens on a weekly basis and collected by hand prior to relocation. Sedimentation dams have trash filters installed to prevent litter being washed into watercourses.</p>			
46	A truck washing bay is to be maintained near the site exit. Trucks, including wheels, are to be washed prior to leaving the site to ensure that mud or excess dirt is not carried from the site at any time.	Truck washing bay installed an operational.	Site observation; Aerial imagery.		Compliant
47	The applicant is to ensure that all table and mitre drains on the access road are maintained in a stable, vegetated condition.	All table and mitre drains are stable and vegetated.	Site observation; Aerial imagery.		Compliant
48	The extraction of any material from the site is to be monitored. The monitoring will identify the type of material that has been extracted and its destination either within the site (as cover material, etc) or off the site. Materials will be classified as: light firing clay, dark firing clay, and light firing shale.	No evidence has been provided to confirm if the volume of extracted material has been monitored		For future extracted material, engage a suitably qualified professional to review the extraction monitoring data and prepare an audited report which meets the requirements of this condition.	Non-compliant
	<p>In conjunction with the annual review of the Landfill Environment Management Plan, an audited report is required to be provided to the NSW Environmental Protection Authority indicating the total amounts of each type of material extracted and their destinations. Light firing clay/shales are to be made available only to brick making</p>				

#	Condition	Findings	Evidence collected	Recommendations	Status
	companies and in addition are not to be used as cover material or restoration material.				
49	Six monthly meetings will be held with Council, NSW Environmental Protection Authority, Roads and Maritime Services, selected residential representatives from adjoining owners, the applicant and the operator to monitor the development and assist in resolving any problems which may occur from time to time. This group will be known as the monitoring committee.	Last meeting held on 16 June 2021, with next meeting scheduled for 6 months later. Apologies of representatives from EPA and Western Sydney Airport noted.	Minutes of meeting dated 16 June 2021.		Compliant
50	Surface water and groundwaters are to be managed and monitored according to the site's Environmental Protection Licence. Compliance with the Environmental Protection Licence shall be undertaken by the NSW Environmental Protection Authority.	Quarterly surface and groundwater monitoring has been undertaken. Results are available on the SUEZ public website.	https://www.suez.com.au/en-au/who-we-are/suez-in-australia-and-new-zealand/environmental-reporting-australia/elizabeth-drive-landfill		Compliant
51	If topsoil is not to be replaced within six months, stockpiles should be protected from erosion with cover crops such as oats, triticale, barley, reycorn, Japanese millet or other suitable species.	Long-term stockpiles have been stabilised from erosion.	Site observation; Aerial imagery.		Compliant
52	Topsoil should be spread to a depth of at least 10cm over backfilled and landformed areas.	The final landform has not yet been achieved.			Not triggered
53	Insect (fly, cockroach), bird and rodent and other infestations are to be prevented. The measures used for this are not to cause water problems. Prior to use, insecticides and pesticides proposed for use onsite will be approved of by the NSW Environmental Protection Authority.	Certified pest control contractor is engaged and undertakes monthly visits.	Landfill Environmental Management Plan		Compliant
54	Adequate amenities are to be provided and maintained for the staff and shall include a flyproof dining area, toilets and washrooms.	Adequate amenities have been provided.	Site observation		Compliant
55	Offensive odours shall not be created. The operator will notify the NSW Environmental	No odour complaints have been recorded in the past 12 months.			Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
	Protection Authority as part of periodic EPL reporting, if any complaints are received.				
56	Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and Australian Standard AS 1428.1 2009 "Design for Access and Mobility". Details of compliance are to be provided to Penrith City Council prior to the commencement of works associated with this consent.	This development consent does not authorise the construction of access or sanitary facilities. Supporting buildings and structures such as the weighbridge, on-site utilities, administration building, workshop and leachate management systems remain as per previous consents.			Compliant
57	All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.	All works have been at cost to SUEZ.	Site interview		Compliant
59	The stormwater management system shall be provided generally in accordance with the concept plans lodged for development approval, prepared by AECOM, sheet number 60571292SHTCI00007 to sheet number 60571292SHTCI000013, all revision B, all dated 4 February, 2019. Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person.	The surface water management system is generally in accordance with approved plans 60571292-SHT-CI-00007 to 60571292-SHT-CI-000013.	Site observation; Aerial imagery.		Compliant
60	All vehicular access, circulation, manoeuvring and pedestrian and parking areas associated with the subject development must be in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.	No new vehicular access, parking areas or pedestrian walkways have been developed yet.			Not triggered
61	Sediment and erosion control measures shall be installed in accordance with the approved plans and documents and are to ensure compliance with the Protection of the Environment Operations Act 1997. The erosion and sediment control measures	Erosion and sediment controls are in place where required and continue to function as intended.	Site observation; Aerial imagery.		Compliant

#	Condition	Findings	Evidence collected	Recommendations	Status
	shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.				
62	Total vehicle movements are not to exceed an average of 640 per day, measured over a calendar year, with an upper limit of 780 per day. Upon request, a vehicle movement log (or similar) is to be provided of total movements to the subject site over a calendar year.	No evidence has been provided to confirm if these movement limits have been complied with.			Non-compliant
65	All landscape works are to be constructed in accordance with the stamped approved plans and as amended by the conditions of this consent.	The Landscape Plan listed in Condition 1 is dated 24 June 2019 and was prepared by AECOM to address condition 10. The Landscape Plan was updated in March 2021 to include record of consultation and revised landscape plan and boundary vegetation report to address comments from neighbouring landowners. The Landscape Plan, including boundary vegetation report and email correspondence with neighbouring properties was submitted to PCC on 21 April 2021. PCC acknowledged receipt of the email and attached documents on 10 June 2021, noting that the landscape plans, drawing numbers 21-12539253-L010/L020/L030, Revisions: B/D, dated 15 December 2020, prepared by GHD and Boundary Vegetation Report – SUEZ Kemps Creek Landfill Site prepared by Toolijooa Environmental Restoration satisfied Condition 10 of DA19/0470.	Email correspondence from Sufyan Nguyen (PCC) dated 10 June 2021.		Compliant
	Landscaping shall be maintained: in accordance with the approved plans, and in a healthy state by the existing or future owners and occupiers of the property.	SUEZ currently undertakes regular maintenance of vegetation within the site. The bush regeneration contractor prepares monthly progress reports.	21.09 Toolijooa Pty Ltd Report Elizabeth Drive Landfill Bush Regeneration September 2021		
	If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same	SUEZ currently undertakes regular maintenance of vegetation within the site.			

#	Condition	Findings	Evidence collected	Recommendations	Status
	species and, to the greatest extent practicable.				
	Landscape plans upon preparation are to be reviewed by an ecologist (or suitably qualified person) to identify and minimise the possibility of future impacts to the airport operations in terms of the possible attraction of wildlife.	The landscape plans included in Appendix 32 have been reviewed by WSA Co and an ecologist to address concerns of future impact to the airport.	Appendix 32 of the Landfill Environmental Management Plan		
	The preparation of the Landscape Plan is also to be undertaken in consultation with Western Sydney Airport with evidence of consultation made available upon request.	Appendix 32 includes consultation with WSA Co.			
66	All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section C6 'Landscape Design' of Penrith Development Control Plan 2014.	The Landscape Plan identifies trees and vegetation to be retained (protected) along the site boundary. Trees along the boundary have a low damage risk as they are located away from active haul roads and movement areas.	Appendix 32 of the Landfill Environmental Management Plan; Site observation; Site interviews.		Compliant
67	No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed along the perimeter of the landfill area without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.	Review of available aerial imagery indicates not trees have been removed during the reporting period.	Nearmap's timelapse imagery		Compliant
68	All trees and landscaping along the perimeter of the site must be maintained by the existing or future owners and occupiers of the property to enable its growth to full maturity in healthy growing conditions. This includes mature height, spread and form, consistent with the tree species. Pruning must not alter the natural form and height of any trees unless required to maintain normal operations such as access to roads and other operational facilities within the site.	SUEZ currently undertakes regular maintenance of vegetation within the site. Invoices and monthly report from bush regenerator observed.	Invoices and monthly report from bush regenerator available.		Compliant



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