



Australian Government

Department of Infrastructure and Regional Development

Planning Services
Department of Planning and Environment
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State Significant Development No 6236: Energy from Waste Facility, Eastern Creek

The Department of Infrastructure and Regional Development (the Department) would like to make a submission on the proposed State Significant Development (SSD) of an energy from waste facility at Eastern Creek.

The Australian Government on 15 April 2015 announced that Badgerys Creek will be the site for a Western Sydney airport. The Department of Infrastructure and Regional Development (the Department) is responsible for development of the airport proposal. The proposed airport will address long-term aviation capacity in the Sydney basin and would be a major catalyst for investment and jobs growth in western Sydney and the Australian economy more broadly.

Details of the proposed airport will be made available when a draft environmental impact statement (EIS) is released for public exhibition later in 2015 under the national environment law, the *Environment Protection and Biodiversity Conservation Act 1999*. The referral submitted to the Australian Government Minister for the Environment, available at <http://www.environment.gov.au/protection/assessments/key-assessments>, also provides details on the airport proposal.

The proposed energy from waste development site is positioned approximately 14 kilometres to the north-east of the Badgerys Creek site. As outlined in the environmental impact statement (EIS) for the proposed facility, the proponent consulted with the Department on potential implications of the proposed facility for the proposed airport at Badgerys Creek.

During this consultation the Department advised that the assessment of the proposed facility should give due regard to:

- obstacles to aircraft overhead – the height of buildings, structures and objects in the proposed development must not penetrate any prescribed airspace (which would include at the very least the Obstacle Limitation Surfaces (OLS)) expected to be declared around the proposed airport site. Once declared, any construction or activity that impacts on the prescribed airspace will require approval (see Part 12 of the *Airports Act 1996* (Airports Act) and the Airports (Protection of Airspace) Regulations 1996).
- the attraction of certain wildlife, particularly birds – the proposed site activity may attract birds and other wildlife through the accumulation of waste. Mitigation strategies may be required as the development may result in increased hazards for aviation operations at a future airport development, especially in relation to bird strike during the take-off and

landing phases of flights. Guideline C of the National Airports Safeguarding Framework (NASF) provides guidance on managing the risk of Wildlife Strikes in the vicinity of airports.

- any other potential impacts which may result in increased hazards for aircraft operations at a future airport such as particulate matter and hot air being released into the air, which may require a plume rise assessment in accordance with Part 12 of the Airports Act and the Airports (Protection of Airspace) Regulations 1996 .
- the cumulative impacts associated with the proposed energy from waste facility being located in the Western Sydney region which is already subject to significant residential, commercial and infrastructure development.

The Department notes that the proponent has responded to this correspondence in the EIS. However, the issues of obstacles to aircraft and emissions of hot air and particulate matter from the facility's stacks remain as areas of concern. These issues have the potential to affect aircraft safety at the proposed airport and may limit the long-term viability and efficiency of aviation operations at a nationally significant infrastructure asset.

The EIS for the proposed facility has stated that it is not possible to address the impacts on aviation operations as the prescribed airspace for the proposed airport has not been declared. The Australian Government has identified Badgerys Creek as the site of an airport for Western Sydney, which would be a core regulated airport under the Airports Act, and would have prescribed airspace where it is in the interests of the safety, efficiency and regularity of existing or future air transport operations for the airspace to be protected.

The Airports Act has recently been amended to provide for a streamlined planning and development regime for an airport for Western Sydney at Badgerys Creek. Although airspace has not yet been prescribed, the EIS for the proposed facility should take into consideration current expectations of prescribed airspace.

The EIS should also have regard to the NASF. The NASF is a national land use planning framework, agreed to by the Australian Government and all state and territory governments. The NASF aims to improve community amenity by minimising aircraft noise-sensitive developments near airports; and improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines adopted by jurisdictions on various safety-related issues.

Guideline F of NASF provides guidance on managing the risk of intrusions into the protected operational airspace of airports. It states the requirements to protect operational airspace will be enforced most rigorously along the extended centrelines of runways in the approach and take-off areas. This can extend up to 15 kilometres from the ends of runways at major airports, and other OLS surfaces that protect aircraft circling to land may also extend up to 15 kilometres from major airports.

The Australian Government has been clear that the proposed airport would be developed on the Commonwealth-owned land at Badgerys Creek with runways positioned on a northeast/southwest alignment. Because of the relative location it is possible that the proposed facility may intrude into airspace declared in the future. As such, the Department confirms its previous advice that the proponent should consider the application of Guideline F of the NASF to the proposed facility as a matter of precaution.

The proponent has also stated that in relation to plume rise and particulate matter emissions there is approximately 14 kilometres of separation between the proposed facility and the airport site and so it is unlikely the facility will interfere with aircraft operations. The Department does not believe this is an adequate assessment of the potential impacts of plume rise or particulate matter on future aircraft operations. Emission of hot air from the facility's stacks could cause air turbulence which may pose a safety issue for aircraft approaching the airport from the northeast. The Department confirms its previous advice, that to better understand the potential impacts of the proposed facility, the proponent should conduct a plume rise assessment which takes into account the critical plume height and velocity arising from the stacks, consistent with the relevant Civil Aviation Safety Authority regulations and the NASF.

The Department understands that Airservices Australia is considering the development application separately.

The Department is keen to ensure that developments around the airport site do not impact on the safety and viability of the proposed airport. As further information of the airport proposal becomes available through the airport assessment process, the Department will be happy to consult further with the proponent of the proposed facility on the long-term viability of both developments.

Yours sincerely



Brendan McRandle
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