



**Australian Government**

**Department of Infrastructure, Transport,  
Regional Development and Communications**

Ms Ellen Luu  
Senior Environmental Assessment Officer, Industry Assessments  
NSW Department of Planning, Industry & Environment  
Locked Bag 5022  
Parramatta NSW 2124

Via: [Ellen.Luu@planning.nsw.gov](mailto:Ellen.Luu@planning.nsw.gov)

Dear Ms Luu

**Re: SSD-10446 Luddenham Resource Recovery Facility**

Thank you for your email of 27 July 2020 seeking comments from the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on the Environmental Impact Statement (EIS) for the proposed Luddenham Resource Recovery Facility development at 275 Adams Road, Luddenham NSW, adjacent to the Western Sydney International (Nancy-Bird Walton) Airport (the Airport) boundary.

In April 2020, the Department provided the Department of Planning, Industry and Environment (DPIE) with comments on the scoping report for the proposed development advising that development on the site may be subject to a number of considerations and constraints including, but not limited to: airport safeguarding and airspace protection; and planning policy and zoning. The Department would reiterate the importance of those comments from an aviation safety perspective. It remains this Department's view that the Proponent has not adequately addressed concerns raised previously; this includes concerns raised by Western Sydney Airport, the airport operator.

Importantly, it remains unclear from the documents provided what is ultimately proposed for the development site and what are the timings of the various stages of development and operations over the medium to long term. The Department notes that a separate application to modify the Luddenham Quarry consent (DA 315-7-2003) under section 4.55(1A) of the *Environment Protection and Assessment Act 1979* is also currently under consideration by DPIE. The Department would like more information on the Proponent's long-term plans for the site to better consider the potential impacts on the Airport.

I understand that the draft *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (the SEPP) is in its final stages of development for consideration by the NSW Planning Minister by mid-September 2020.

In December 2019, the NSW Government released a discussion paper on the proposed SEPP for the Western Sydney Aerotropolis and Western Sydney Aerotropolis Plan (WSAP).

The WASP and SEPP for the Western Sydney Aerotropolis have been developed in consultation with Commonwealth and NSW Government agencies and local councils to set out a vision for the Aerotropolis and provide for land use and development controls that will, *inter-alia*:

- promote sustainable, orderly and transformational development in the Western Sydney Aerotropolis area; and
- ensure development in the Western Sydney Aerotropolis is compatible with the long-term growth and development of the Airport (including in relation to the operation of the Airport 24 hours a day).

I understand that the proposed development is to be located within the Agribusiness Zone of the SEPP for the Western Sydney Aerotropolis. The draft SEPP and the preceding discussion paper make it clear that waste or resource management facilities will be prohibited within the Agribusiness Zone. This is expected to remain the case when the draft SEPP is finalised, so it would therefore be prudent to await the outcome of the SEPP development process before considering the proposed development.

The EIS for the proposed development and the associated Aeronautical Impact Assessment (AIA) at Appendix H purport to come to a number of conclusions regarding aviation safety, including in relation to plumes, wildlife and the impact of the proposed development on aviation facilities/airport infrastructure. The AIA states the proposed development is assessed as not adversely affecting aviation safety; however, the AIA does not appear to adequately substantiate these claims with evidence. This Department is concerned about the consultant's claim that quarries are "low risk", given International Civil Aviation Organisation wildlife management guidance identifies quarries and waste facilities as key potential off-airport attractants.

The wildlife assessment submitted as part of the AIA states that the 2015 EIS for Western Sydney Airport (prepared by this Department) did not identify any risks associated with the development site. It is important to note that when the 2015 EIS was prepared the development site was not being proposed as a waste management facility and was therefore not assessed as such. The 2015 EIS cannot be used to justify the safety of the proposed development.

The EIS and AIA also state that Airservices Australia will need to conduct their own analysis of the project's impact on navigation aids and that the Proponent will provide Airservices Australia with detailed plans once they are available. The Department recommends that detailed plans also be provided to the airport operator.

### ***Recommendations***

The Department recommends that the Proponent consider alternate uses for the subject site that are consistent with the soon to be finalised SEPP for the Western Sydney Aerotropolis and compatible with airport operations.

Notwithstanding the above, should DPIE decide to approve the proposed development, the Department strongly recommends conditions be included to ensure there are no adverse impacts on any aviation/airport infrastructure, the ground transport system surrounding the Airport, and the safety, efficiency and viability of airport operations.

The Department recommends that these conditions be prepared in consultation with the airport operator to ensure adequate protections are in place to safeguard 24/7 operations at the Airport.

The Department understands the airport operator will also be making a submission on the proposed development to DPIE. I would be grateful if you could notify both the Department and the airport operator of DPIE's determination on the proposed development.

Thank you again for providing the Department the opportunity to comment on the proposed Luddenham Resource Recovery Facility development. If you require any further information, please contact Mr Adam Sutherland on 02 6274 6959 or via email [Adam.Sutherland@infrastructure.gov.au](mailto:Adam.Sutherland@infrastructure.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'S Leeming', with a long horizontal line extending to the right.

Sarah Leeming  
Assistant Secretary  
Regulatory, Environment & Stakeholder Engagement Branch  
Major Transport & Infrastructure Projects Division

31 August 2020

