

Department of Planning, Industry and Environment
Industry Assessments
GPO Box 39
Sydney NSW 2001

By email: Jeffrey.Peng@planning.nsw.gov.au

Dear Mr Peng,

Re: Liverpool City Council's Review of Response to Submissions for SSD-10446, 275 Adams Road, Luddenham

Council was invited to provide comments on the proponent's response to submissions for a proposed resource recovery facility.

Council staff previously provided comments relating to:

- a) Permissibility of the development,
- b) Traffic and transport,
- c) Flood mitigation, and treatment of stormwater,
- d) Environmental Health:
 - Land contamination assessment, remediation, and mitigation,
 - Air quality assessment,
 - Hazardous material storage and use,
 - Wash bay(s)
- e) Landscape plans, and
- f) Operational management plans

Council staff have reviewed the response to submissions report (including relevant appendices) and provides comments as per attached. Council staff are generally satisfied with the proponent's response to Council's submission.

However, additional information and design is required with respect to how the proponent intends on disposing of effluent, and the upgrade of Council / TfNSW roads to facilitate haulage.

Council staff also ask DPIE to consider draft conditions of consent as per Attachment 1. If you have any questions please contact Ian Stendara, Executive Planner on 8711 7511.

Yours sincerely,



Lina Kakish
Acting Manager City Planning

Permissibility of the Development

Council staff note that the SEPP (Western Sydney Aerotropolis) 2020 and the precinct plans were not published when Liverpool City Council staff comments were made. As per the proponent's response to submissions, clause 53(1) clarifies that the SSD is to be assessed and determined as if the new SEPP has not commenced. Given that resource recovery facilities are permitted on RU4 land, as per the SEPP (Infrastructure) 2007, Council staff are of the opinion that the development is permissible.

Notwithstanding the permissibility of the use, Council would still refer to the objectives of the RU4 Primary Production Small Lots zone, as well as the objectives of the agribusiness zone, as per the Aerotropolis planning framework. The development application should be conditioned accordingly to ensure that negative external impacts are managed / mitigated appropriately, and that the site can be decommissioned in a manner that is consistent with the vision of the agribusiness zone.

Traffic and Transport

Adams Road upgrade and intersection

It is noted that the proposed intersection treatments at the Elizabeth Drive/Adams Road intersection include a 90 m deceleration left-hand turn lane into Adams Road, restricted right turn movements from Elizabeth Drive (westbound) into Adams Road and a short-left turn lane on Adams Road into Elizabeth Drive.

Council raises road safety concern about the proposed right turn movements from Adams Road into Elizabeth Drive due to increasing traffic demands along Elizabeth Drive as well as additional time required to cross the proposed left turn deceleration lane.

Since Council provided its previous advice (dated 25 August 2020), the strategic design to upgrade Elizabeth Drive (prepared by Transport for NSW (TfNSW)) indicates the Elizabeth Drive/Adams Road intersection will be restricted to left in and out only, with a raised central median preventing right turn movements.

As such, Council's previous comments are no longer appropriate, as vehicles would, ultimately, need to travel south along Adams Road towards The Northern Road (in order to travel east on Elizabeth Drive). As such, Council recommends that the Adams Road / Elizabeth Drive intersection be restricted to left in and out only for ARRC operations. The alternative route is to be via the Northern Road/Adams Road intersection.

Provided that right turn movements would ultimately be restricted from Adams Road onto Elizabeth Drive, the developer is to improve pavement along the section of Adams Road between Elizabeth Drive and Anton Road and remove 3 tonnes restriction to permit heavy vehicle movements.

Elizabeth Drive is a state road, which is under the care and control of TfNSW. Hence, the proposed intersection upgrade should be referred to TfNSW for approval. The design of this intersection upgrade should be consistent with the strategic design plan prepared by TfNSW.

SIDRA Analysis

Intersection analysis is to be carried out at the intersection of Adams Road/the site access road. Electronic copies of SIDRA models for all the surrounding intersections are to be submitted to Council for review.

Site Access Road

A design plan showing the proposed intersection treatment at the intersection of the site and Adams Road is to be submitted to Council for approval.

Haulage Route

The haulage route plan is to be confirmed for the proposed ARRC development prior to the determination of the subject development application.

Flood Mitigation, and Treatment of Stormwater

The response to Council's comments indicated the proposal will not encroach into the Probable Maximum Flood (PMF) extent, with the exception of the on-site detention area which is expected to be inundated by the fringe of the PMF event.

Stormwater generated within the site is proposed to be treated and attenuated through an on-site detention system to pre-development conditions prior to discharging to the receiving water body (Oak Creek).

The proposal is considered satisfactory and supported from flooding and water management prospective.

Environmental Impacts

Land Contamination Assessment, Remediation, and Mitigation

EMM Consulting confirmed that a Liverpool City Council planning certificate (Cert No. 3978) was reviewed and no contaminated land records were reported for the subject property. A property background report is presented in Appendix A of the PSI.

Air Quality Assessment

The consultant confirmed that the ARRC site will be hardstand in its entirety, with the exception of landscaped areas. No vehicles will traverse unsealed surfaces following completion of construction.

Hazardous Material Storage and Use

EMM Consulting confirmed that detailed plans for the vehicle refuelling facilities, forecourt and chemical storage areas will be prepared during the detailed design phase of the project. In addition, the consultant confirmed that no underground petroleum storage systems are proposed at the site.

Wash Bay(s)

EMM Consulting confirmed that plant and equipment will be washed and maintained within the building.

The response provided by EMM Consulting regarding contamination, hazard and risk, vehicle and equipment washing and sealing of internal roads satisfactorily addressed the enquiries made by Liverpool City Council. However, a suitable response was not received regarding the requirements for the on-site sewage management system.

On-site Sewerage Management System (OSMS)

The Submission Report prepared by EMM Consulting dated 27th May 2021 does not specifically address requirements for the on-site sewage management system. Despite the limited information available, Clause 4.1.6 of the document explains that the wastewater system will require pumping out on a monthly basis.

Section 15, Part 1 of the Liverpool Development Control Plan 2008 states that 'development or subdivision proposals relying on pump-out systems will not be approved by Council.

Pump-out systems are not considered to be economically or environmentally sustainable systems due to the high costs associated with the removal of effluent which can result in unauthorised discharge into the environment'. Furthermore, proposals relying on on-site sewage management will not be approved where a reticulated sewerage service is available within 75m of any property boundary.

In accordance with Section 68 of the *Local Government Act 1993*, approval is required to install, construct or alter a waste treatment device and operate a system of sewage management at the premises. "Operate a system of sewage management" means hold or process, or re-use or discharge, sewage or by-products of sewage (whether or not the sewage is generated on the premises on which the system of sewage management is operated).

Therefore, separate approval would be required under Section 68 of the *Local Government Act 1993* if the proposal includes an on-site sewage management system or any other infrastructure to hold or process, or re-use or discharge, sewage or by-products of sewage.

In accordance with the Liverpool Development Control Plan 2008, a new system must be installed where the existing system does not have adequate treatment capacity for all potential flows. Liverpool City Council previously requested the SEARs to require a wastewater report prepared by a suitably qualified and experienced environmental or wastewater consultant.

The report shall identify the site area available for development and determine if on-site effluent disposal is feasible when considering potential risks to public health and the environment. The report was to consider all potential wastewater flows (proposed and existing flows) and include the following minimum information:

Plan

The report shall include a plan to scale, showing the location of:

- a) The sewage management facility proposed to be installed or constructed on the premises.
- b) Any related effluent application areas.
- c) Any buildings or facilities existing on, and any environmentally sensitive areas of, any land located within 100 metres of the sewage management facility or related effluent application areas; and
- d) Any related drainage lines or pipework (whether natural or constructed).

Specifications

The report shall include full specifications of the sewage management facility proposed to be installed or constructed at the premises.

Site assessment

The report shall include details of the climate, geology, hydrogeology, topography, soil composition and vegetation of any related effluent disposal areas together with an assessment of the site in the light of those details.

Statement

The report shall include a statement of:
the number of persons or probable number of persons occupying the premises, and
such other factors as are relevant to the capacity of the proposed sewage management facility.

Operation and maintenance

The report shall include details of:

- a) The operation and maintenance requirements for the proposed sewage management facility.
- b) The proposed operation, maintenance and servicing arrangements intended to meet those requirements, and
- c) The action to be taken in the event of a breakdown in, or other interference with, its operation.

Standards and guidelines

The report shall demonstrate that a system can be installed in accordance with the requirements of the following documents:

- a) Liverpool Development Control Plan Part 1, Section 15 – On-site Sewage Management Systems (OSMS).
- b) Local Government (General) Regulation 2005.
- c) Australian/New Zealand Standard 1547:2012, On-site Domestic Wastewater Management, or any updated standard which supersedes AS1547:2012.
- d) Sydney Catchment Authority 2012, Designing and Installing On-site Wastewater Systems.
- e) NSW Health 2001, Septic Tank and Collection Well Accreditation Guideline; and
- f) Department of Local Government 1998, On-site Sewage Management for Single Households.

The detailed wastewater report shall be prepared by an Environmental Scientist or Engineer with a minimum of a bachelor's degree qualification and extensive industry experience within an on-site sewage management context. Note: There is currently no certification body for this field.

Landscape Plans

Council staff recommend that DPIE works with the proponent to identify an alternative species to replace areas to be planted with *Acacia longifolia*. The replacement should offer greater longevity and be suited to the conditions/environment in which these trees would be planted. Appendix 2 of Part 1 of Liverpool's DCP has a list of preferred species.

Operational Management Plans

Liverpool City Council staff recommended that an Operational Environmental Management Plan (OEMP) is prepared for the proposed facility for review by the consent authority.

The Plan shall be written by a suitably qualified and experienced environmental consultant and address means by which the commitment in the Environmental Impact Statement and other environmental assessment reports will be fully implemented.

Appropriate Regulatory Authority

Schedule 1 of the Protection of the Environment Operations Act 1997 declares premises-based activities regulated by the NSW Environment Protection Authority. Any future Application must be reviewed in consultation with the NSW Environment Protection Authority as the Applicant indicated that the proposal is Integrated Development and will require an Environment Protection Licence for scheduled activities.

In these circumstances, approval must be obtained from the NSW EPA before consent can be granted. The consent authority must refer the development application to the relevant public authority and incorporate the public authority's general terms of approval.

Attachment 1 - Recommended Conditions for SSD-10446

Traffic & Access Development Conditions

Prior to Issue of Construction Certificate

- a) The Applicant must submit the following design plans to Council or/and Transport for NSW (TfNSW) for approval:
 - Detailed design of Adams Road upgrade.
 - Adams Road/The access road intersection treatment; and
 - Intersection treatments at Elizabeth Drive/Adams Road intersection.
- b) The applicant shall submit a Section 138 Roads Act application to Council for any road work in, on or over a public road including the payment of application and inspection fees, to Council's Land Development and Traffic & Transport Section for approval.
- c) The application is to be accompanied by detailed design plans and report, including swept path analysis, signs and linemarking scheme prepared in accordance with Austroads Road Design Guide.
- d) The engineering plans are to be prepared in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.
- e) All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: Approvals may also be required from Transport for NSW (RMS) for classified roads.

- f) Detailed design information indicating the layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, A52890.6-2009 and AS 2890.2 — 2002 for heavy vehicle usage.
- g) An operational traffic management plan is to be prepared and submitted to Council for review. The plan includes heavy vehicle haulage routes, access arrangement, on-site traffic control and road safety measures and noise mitigation measures for heavy vehicles traveling through residential areas.
- h) A Construction Traffic Management Plan (CTMP) prepared by a qualified traffic and transport practitioner detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

- i) A road occupancy permit is to be submitted to Council Traffic and Transport Section or Transport Management Centre (TMC) for any works within the public road reserve.

Prior to works commencing

- Prior to commencement of any works within the public road reservation, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller, and submitted to Council and the PCA for approval.
- Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

During Construction

Hours of Construction Work and Deliveries

Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Traffic Management

- a) All works within the road reserve are to be at the applicant's cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Delineation Guideline.
- b) If a works zone is required, an application must be made to Council's Traffic and Transport Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
- c) Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
- d) Applications must be made to Council's Traffic and Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

Prior to Issue of the Occupation Certificate

- The Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.
- All roadworks, signposting and street lighting are to be completed to Liverpool Council requirements, at no expense to Council or Transport for NSW.
- Council's on-street assets such as footpath should be protected at all times. Any damages should be rectified to Council satisfaction.

The required intersection and road upgrades shall be completed to Council or/and TfNSW's satisfaction, which include:

- a) The upgrade of Adams Road between Elizabeth Drive and Anton Road is to be used for heavy vehicle access including B-doubles vehicles.
- b) Elizabeth Drive and Adams Road intersection treatments; and
- c) Adams Road and the proposed access road intersection treatment.
- d) The proposed B-double route along Adams Road is to be approved by NHVR (in consultation with Council); and
- e) The removal of 3 tonnes load limit along Adams Road shall be submitted to Council's Pedestrian, Active Transport and Traffic Committee for approval, if required.

Conditions Relating to Use

The approved operational traffic management plan shall be implemented all times.

- A total of 47 off-street car parking spaces is to be provided on site. All the parking signage and line marking are to be maintained to Council's satisfaction.
- Loading and unloading must take place from the designated loading dock. Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvrings and parking areas. Those areas must be kept clear at all times for the free movement of vehicles.
- An operational traffic management plan is to be prepared to outline haulage times and routes. This is to include a map showing the section of Adams Road to be used for heavy vehicle and B-double route, which requires the removal of 3 tonnes load limit.

Engineering Conditions

All roadworks, drainage works and dedications, required to affect the consented development shall be undertaken at no cost to Liverpool City Council.

Prior to the issue of a Construction Certificate

Prior to the issue of a Construction Certificate for site civil works, the Principal Certifying Authority shall ensure that the engineering drawings are consistent with the plans prepared by Indesco, reference number 7472-SSDA amendment C dated 7/6/2020 and that all civil works have been designed in accordance with the consent conditions and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroads Guidelines and best civil engineering practice.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road Name	Carriageway Width	ESA
Access Road	10.0m and variable	5 x 10 ⁵
Ring Road	6.6m minimum 12.5m maximum	5 x 10 ⁵

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Indesco, reference number 7472-SSDA, revision C dated 7/6/2020.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- a) Specification & installation details of the stormwater pre-treatment system; and
- b) The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system.
- c) A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

- d) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- Off street access and parking complies with AS2890.1.
- Vehicle access and internal manoeuvring has been designed for a B Double in accordance AS 2890.2.

Prior to Commencement of Works

Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Adams Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development.

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall always be available on site.

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

Requirements during Construction

All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

Prior to the issue of an Occupation Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local

Government Act approval have been inspected and signed off by Liverpool City Council.

Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- On-site detention system/s.
- Stormwater pre-treatment system/s.
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s.
- b) Stormwater pre-treatment system/s shall be registered on the title of the property.
- c) The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
- d) Prior to the issue of select an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.
- e) Any rectification works within Adams Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

- f) Prior to the issue of an Occupation Certificate an Outstanding Works Bond for the construction, implementation and landscaping of the stormwater pre-treatment system is to be lodged with Liverpool City Council.
- g) Prior to the issue of an Occupation Certificate a 12-month Defects and Maintenance Bond is to be lodged with Liverpool City Council for DLP maintenance over constructed road works in Adams Road.



30 June 2021

Jeffrey Peng
Senior Environmental Assessment Officer
Industry Assessments
NSW Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Jeffrey,

**Proposed State Significant Development (SSD-10446) - Luddenham Resource Recovery Centre
Response to Submissions Report**

We are writing in response to the public exhibition of the Submissions Report for a Resource Recovery Centre (Proposed Development) at 275 Adams Road, Luddenham (Site). The Proposed Development is a State Significant Development under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

WSA has had an opportunity to review the documentation, and while detailed comments are provided in the sections below, WSA's position remains:

1. that this proposal does not properly assess the Aerotropolis SEPP (which is a relevant matter for consideration); and
2. that this proposal is unclear in relation to filling and rehabilitation of the quarry void, noting a key justification for the proposal is that the waste management facility is an 'economic' way to fill the quarry void (but it does not seek approval to fill the void).

WSA's position continues to be that this application should not be approved in its current form.

The following comments provide information to this effect. Additional detailed comments are provided in relation to specific issues should DPIE be of a view to approve the application.

Consistency with SEPP (Western Sydney Aerotropolis) 2020

The lack of consideration given by the applicant to the (then) Aerotropolis SEPP Discussion Paper continues to be a significant concern to WSA. Section 3.4 of the Submissions Report identifies the response by the applicant to the statutory context of the proposal, however, limits the discussion to Clause 53(1) of *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Aerotropolis SEPP).



Clause 53(1) states as follows:

“A development application for development on land to which this Policy applies that was lodged and not finally determined before the commencement of this Policy is to be determined as if this Policy had not commenced”

The applicant appears to weight this towards not giving the Aerotropolis SEPP any consideration beyond a zone-based objectives assessment, given that at the time of the SEPP commencement the proposed development had been lodged and not finally determined.

This is insufficient and does not take into account the requirement of the EP&A Act in relation to Draft EPIs, which requires a consent authority to give weight to draft planning instruments in accordance with Section 4.15(1)(a)(ii). This section states the following as a matter for consideration:

“(a) the provisions of – (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority...”

As stated above, it is the provisions, not only the objectives of the Aerotropolis SEPP, which are to be considered in the assessment of this proposal.

Certain and Imminent

Further, greater weight should be given to the draft planning instrument where it is ‘certain and imminent’. This has been a planning principal consistently adopted by the NSW Planning and Environment Court (see *Terrace Tower Holdings Pty Ltd v Sutherland Shire Council [2003]*).

With regard to the certainty of the Aerotropolis SEPP, it is clear that at the time of lodgement of the SSDA (July 2020), the Aerotropolis SEPP was certain. DPIE had clearly stated at that time that the State Policy would be finalised by ‘mid 2020’, which was reiterated in the draft Western Sydney Aerotropolis Plan timeline (page 87). The imminence of the plan could also have been demonstrated in this manner (and the plan has been ‘made’ by the Minister for Planning in September 2020).

On this basis, the provisions of the Aerotropolis SEPP were both certain and imminent and need to be given significant weight in the assessment of this proposal.

The applicant’s response in regard to the application of the Aerotropolis SEPP is inadequate, and a full assessment of the proposal against the provisions of the SEPP is required. It remains WSA’s view that a land use of this nature is inconsistent with the Aerotropolis SEPP and the strategic plans for the future development of the Western Sydney Aerotropolis, in particular the Agribusiness Precinct.

Objectives / Provisions Assessment

Section 4.2.1 of the Submissions Report provides a high-level objectives assessment, with the intent of demonstrating that the proposal is consistent with the objectives of the zone. This is insufficient, given the required level of weighting that the Aerotropolis SEPP needs to be given. Instead, a full objectives and provisions assessment is required to be undertaken as part of the documentation, and considered by the assessing authority.



It is our view that the proposal is not consistent with the objectives of the Agribusiness zoning and the applicant's assessment does not demonstrate that the proposal is consistent with the strategic plans for the Agribusiness precinct.

Relationship to Quarry Application

It remains unclear what the relationship is between this application to the future envisaged quarry filling modification application which has been flagged by the applicant. The submissions report states that *"small amounts of vegetative waste may be included [in fill to the quarry void], however this would be subject to separate modification application"* (Submissions Report Page 86).

Another separate (future) development application is not sufficient to rely upon as a mitigation measure for waste produced at the site, as it does not cover for potential future situations including instances where that modification application is not pursued by the applicant, is refused, or otherwise is discontinued. There is also no certainty to the timing of a future application and therefore this DA must be capable of being independently assessed and determined. Therefore, a full assessment of impacts such as the following should be undertaken:

- ensuring that the transport of all waste off site can be accommodated on the surrounding road network on a permanent basis;
- assessing other environmental impacts of having all waste that is not recycled being transported off the site;
- ensuring that the proposed waste management facility has sufficient storage space for waste for an operation where the void cannot be filled; and
- ensuring that aviation safeguarding impacts (including in regard to wildlife attraction) have been adequately assessed under this scenario.

Should the applicant wish to use the quarry for the disposal of materials, then this would need to be separately assessed over and above an alternate acceptable solution approved under this DA.

Likewise, if any organic products are envisaged to be disposed of in the quarry (including vegetation, timber or any other organic waste) at a future time, then this should be subject to the appropriate approvals under the EP&A Act. As it has not been assessed under this application, this component cannot be approved at this stage. A lack of clarity regarding the exact nature of waste being disposed of from the site remains in relation to the application at this stage.

Recommendation: Given that there has not been assessment of the appropriateness of using the quarry pit for vegetative waste (or any other waste), if the Department is of a view to approve the application, a condition of consent should be imposed that no waste (including timber, organic or any other vegetative waste) must be disposed of on-site and waste should not be used to fill the quarry void.

Site Rehabilitation

Rehabilitation of the site, which is one of the main concerns of WSA, continues to be unclear in the documentation provided. Please note that in the context of the above, the Department's Assessment Report for the Quarry Mod 5 states that *"...the Department notes that CPG has lodged a separate SSD application for an ARRC, which is currently under assessment by the Department. Impacts associated with filling the void, as well as cumulative impacts associated with the concurrent*



operation of the quarry and the proposed ARRC are matters beyond the scope of this modification and will be considered as part of the separate SSD application”.

The above statement by the Department contradicts the following statement in the Applicants EIS:

“The infilling of the quarry void on the subject property with non-recycling residues from the ARRC will be the subject to a separate modification application of the existing quarry consent and therefore is outside the scope of this ARRC project” (page 43)

“Infilling of the quarry void will be subject to separate detailed environmental assessment as part of the future modification application” (page 95).

The Conceptual Filling Strategy provided by the applicant does not provide a full assessment of these impacts and is insufficient for the purposes of determining whether the impacts of filling the void are acceptable.

In the absence of a clear approach to the filling of the quarry void and site rehabilitation, if the Department is of a view to approve the application, it should be conditioned such that the on-site disposal of non-recyclable material (i.e. into the quarry void) is not permitted under this DA. In the current state, WSA’s concerns regarding insufficient assessment regarding the filling of the quarry void and site rehabilitation remain.

Detailed Response Register

1. The Submissions Report includes a statement that *“no exhaust will result in air movement of over 4m/s”*. This statement does not appear to be based on an assessment of actual plant or operations. The assessment needs to have regard to the relevant aviation safeguarding considerations (e.g. *National Airports Safeguarding Framework Guideline F: Managing the Risk of Intrusions into the Protected Airspace of Airports*) in particular the type of plant / processes on site which would potentially result in vertical air emissions.

Recommendation: The applicant provide further detail on the type of plant and equipment that would result in vertical emissions and the nature of activities that would result in emissions.

If the Department is of a view to approve the application, a condition of consent should be imposed to the effect that any exhaust emitting plant is not approved under this application and would be subject to future separate assessment (including demonstration of metres per second vertical emissions).

2. The applicant’s response in relation to Ground Based Augmentation Systems (GBAS) is noted. The provision of GBAS in the north-west of the WSI site is a longer-term objective, which should not be precluded by the proposal and the outcome of GBAS in this location should be planned for in this development. The statement in the AIA that *“confirmation will be required from WSA Co. and Airservices Australia at the appropriate time”* (Page 15) is noted in this regard.



Recommendation: That GBAS facilities in the north-east of the WSI site should be planned for in the design of the waste management facility.

3. The following comments are noted in regard to aviation safeguarding in response to the provided wildlife assessment:
 - a. The wildlife risk assessment does not appear to account for the risk of the fill at the site attracting waste. This should be updated as per other comments in this letter, to demonstrate the wildlife risk of waste being disposed into the quarry at the site, including the vegetative / organic waste identified at Page 86 of the submissions report.
 - b. A review of the cumulative impacts of wildlife being attracted in this location has not been undertaken, as per our previous letter. A full review of the cumulative impact of the site alongside other key attracting uses (e.g. Suez, farm dams, etc) is required to demonstrate the potential risk of this proposal.

The mitigation measures identified at Section 6 should also be conditioned by any future development consent and should be subject to consultation with WSA. In particular, it should be specifically required that a Wildlife Hazard Management Plan be prepared in consultation with stakeholders, including WSA. Additionally, it should be conditioned that no putrescible or organic waste (including timber) is to be stored outside.

Recommendations: The following recommendations are noted in regard to the treatment of waste:

- The wildlife risk assessment be updated to factor into account cumulative impacts of the quarry / waste management site, including the potential impacts of future fill.
- The wildlife risk assessment be updated to factor into account cumulative impacts of the site against other wildlife attracting uses in the area.

If the Department is of a view to approve the application, the following conditions be imposed:

- The mitigation measures at Section 6 of the wildlife assessment report be conditioned, and subject to consultation with WSA. This includes the preparation of a Wildlife Hazard Management Plan in consultation with relevant stakeholders including WSA.
 - An additional condition should be imposed which confirms that no putrescible / organic waste (including organic products such as vegetation and timber) be stored externally at the site.
4. The Noise and Vibration Impact Assessment does not appear to address our previously raised concerns regarding impacts to the fuel farm, with the vibration assessment being identified in relation to the closest residential dwelling, which is approximately 100m away. It should be confirmed in the technical paper that there will be no vibration impacts on the fuel farm, as a sensitive use. This would be particularly relevant as a result of likely future material crushing or compaction activities.



Recommendation: That the Noise and Vibration Impact Assessment be updated to specifically assess potential impacts on the fuel farm at WSI.

5. In regard, to the upgrade of Adams Road, it is identified in the submissions report that Adams Road south of Anton Road will be upgraded by WSA. While this is planned to occur, Liverpool City Council should be consulted in regard to the timing and nature of this upgrade. There will also need to be provision for the following outcomes:
 - For the upgrade to occur later than is expected in the traffic report by the applicant.
 - For the upgrade to result in significant disruption, such as the closure or banning of heavy vehicles on Adams Road for a temporary period of time.
 - Demonstrating how the surrounding road network could accommodate the waste movements from the site on the basis that all non-recyclable waste is to be disposed of off-site on an ongoing basis.

In regard to whether the transport figures which are cumulative (incorporating WSA, M12 and Sydney Metro Transport figures), the applicant has identified that *"the addendum TIA has used updated TfNSW future predicted traffic volume data (STFM version 18)"* and *"it is assumed traffic associated with the WSA has been accounted for in the TfNSW traffic volume data"* (Submissions Report Page 84). The accuracy of these positions should be confirmed with TfNSW.

Finally, it is unclear how the right turn restriction of trucks along Elizabeth Drive would be enforced. If these are external vehicles (i.e. vehicles from other contractors / sites looking to dispose of waste at this facility), then it will likely be difficult to restrict trucks making a right turn from Elizabeth Drive into Adams Road without enforcing a blanket No Right Turn restriction at the intersection movement. Further detail should be provided to this respect.

Recommendation: The following recommendations are noted:

- Scenarios regarding the Adams Road upgrade should be explored further, including contingencies where the southern portion of the Adams Road is not upgraded prior to the operation of the proposed facility, or where the future filling of the void is not given consent.
 - TfNSW should confirm the accuracy of the traffic volume data assumed.
 - The Applicant provide further information on how the proposed No Right Turn restriction into Adams Road from Elizabeth Drive will be enforced.
6. The future development should be designed to comply with the relevant indoor sound design levels shown at Table 3.3 (indoor design sound levels for determination of aircraft noise reduction) in Australian Standard 2021-2015 – *Acoustics, Aircraft noise intrusion – Building siting and construction*.

Recommendation: If the Department is of a view to approve the application, a condition be included regarding indoor sound design levels.



7. Any lighting should be required to comply with the requirements of *National Airports Safeguarding Framework Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports*. In particular, compliance with the lighting requirements for Zones C and D is required in relation to the proposed use.

Recommendation: If the Department is of a view to approve the application, a condition should be imposed requiring lighting to be designed and installed so as not to cause distraction or confusion to pilots.

8. In relation to dust management, it is requested that the applicant prepare a Dust Management Strategy as part of any future conditions of consent. Stakeholders, including WSA, need to have the opportunity to review and comment on the strategy prior to its approval.

Recommendation: If the Department is of a view to approve the application, a condition regarding preparation and implementation of a Dust Management Strategy, including consultation with WSA, should be imposed.

9. Based on the information available, none of the proposed buildings appear to extend into the Obstacle Limitation Surface (OLS). However, it should be noted that the *Airports Act 1996* covers any intrusions into prescribed airspace, which could include:
 - a. constructing permanent structures, such as buildings, into the protected airspace;
 - b. temporary structures such as cranes protruding into the protected airspace; or
 - c. activities causing non-structural intrusions into the protected airspace such as air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter.

If it is likely that any of the above components would result in an impact on protected airspace, then approval will need to be obtained in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.

10. A Construction Environmental Management Plan (CEMP) will be required to be prepared. Stakeholders, including WSA, should have the opportunity to review and comment on the CEMP prior to its approval.

Recommendation: If the Department is of a view to approve the application, a condition requiring the preparation of a CEMP, including consultation with WSA, should be imposed.

WSA is reviewing the Air Quality statement and the response provided to our previous comments. Accordingly, we may provide further comments to this effect.

WSA has also provided this application to the Civil Aviation Safety Authority and Airservices Australia, who may provide further comments. If WSA is in receipt of further comments to this effect, then we will provide these comments to DPIE.



We trust that the above information sufficiently demonstrates that substantial additional assessment is required in relation to this Development Application prior to any determination being made. WSA would like to meet with the Department to discuss the matters raised above and the potential impacts of the proposed development could have on WSI.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "K. Osborne", with a long, sweeping horizontal stroke extending to the right.

Kirk Osborne

Executive Manager, Land Use Planning and Approvals



Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

File Reference: RM F19/1205-20

Mr Jeffrey Peng

Senior Environmental Assessment Officer, Planning & Assessments

NSW Department of Planning, Industry & Environment

Locked Bag 5022

Parramatta NSW 2124

Via: Jeffrey.Peng@planning.nsw.gov

Dear Mr Peng,

Response to Submissions - SSD-10446 Luddenham Resource Recovery Facility

Thank you for your email of 16 June 2021 seeking comments from the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on the Response to Submissions (RTS) for the proposed Luddenham Resource Recovery Facility development at 275 Adams Road, Luddenham NSW (subject site), adjacent to the Western Sydney International (Nancy-Bird Walton) Airport (the Airport) boundary.

In April and August 2020, the Department provided the Department of Planning Industry & Environment (DPIE) with comments on the scoping report and the environmental impact statement for the proposed development respectively. The Department advised 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. I am informed that WSA, the airport operator, has also provided DPIE with comments on the proposed development at various stages of the application process, including on the RTS. The Department supports those comments in ensuring land use planning and development in the vicinity of the airport is coherent and compatible with the longer-term operations of the airport.

Planning Policy and Zoning

The Department maintains that the proposed development is not in keeping with the objectives and desired outcomes of the Agribusiness zone which prohibits the proposed land use under the Western Sydney Aerotropolis Planning Package that was finalised in September 2020 and the State Environment Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) that commenced in October 2020. Furthermore, it remains unclear to what extent the purpose and objective of the proposed development, to fill and rehabilitate the void, are being met through this application if the filling and rehabilitation of the void are subject to separate and future modification applications. I note the application specifies *stage two - a smart way to fill the void*, which is the subject of this application is *'to establish a technology-led approach to resource recovery, management, and reuse of Western Sydney's construction waste, and repurposing those materials that*

cannot be recovered for use to rehabilitate the void. This will provide a sustainable and economically viable method of rehabilitating the void for development.’ However, the application also specifies that the ‘infilling of the quarry void will be subject to separate detailed environmental assessment as part of the future modification application’ and ‘the infilling of the quarry void with non-recyclable residues from the ARRC [Advanced Resource Recovery Facility] will be subject to a separate modification application of the existing quarry consent and therefore is outside of the scope of the ARRC project.’

Airport Safeguarding

The rehabilitation and filling of the quarry void continues to remain a key area of concern for the Department. The application does not include sufficient information or assessment of the risk of wildlife attraction as a result of the waste being disposed into the quarry at the site, nor the cumulative impact of the site alongside other wildlife-attracting land uses that are located within the vicinity of the subject site. Furthermore, the application appears to rely on one or more separate future modification applications as a mitigation measure. This information should be provided to WSA as soon as possible to ensure the appropriate monitoring and mitigation of any potential impacts.

The National Airports Safeguarding Framework (NASF), Guideline C – Managing the Risk of Wildlife Strikes in the Vicinity of Airports, provides guidelines to State/Territory and local government decision makers to manage the risk of collisions between wildlife and aircraft at or near airports where that risk may be increased by the presence of wildlife-attracting land uses. Should DPIE decide to approve the proposed development, appropriate conditions must be imposed on the proposed development including the filling and rehabilitation of the void, to ensure activities on the site do not adversely impact on aviation safety by attracting wildlife that could result in an increased risk of collisions between wildlife and aircraft at or near the airport.

Regarding NASF Guideline A – Managing the Impacts of Aircraft Noise, the proposed development is located in an area that will be impacted by aircraft noise, and as such, the proposed development must be designed to comply with the relevant indoor sound design levels as set out in the Australian Standard 2021-2015 – Acoustics, Aircraft noise intrusion – Building siting and construction.

Regarding NASF Guideline E – Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports, lighting on the subject site must be designed so as to not cause distraction or confusion to pilots.

Further information on NASF guidelines are available via https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/nasf_principles_guidelines.aspx.

Airport Infrastructure

The proposed development is situated within close proximity to key airport infrastructure including the fuel farm and the Ground Based Augmentation System (GBAS). The application does not appear to address the potential vibration impacts on the fuel farm that may result from crushing and compounding activities required to fill and rehabilitate the quarry void. These potential impacts need to be assessed and appropriately mitigated and monitored to ensure the proposed development does not adversely impact key airport infrastructure.

Also, technical assessments of any potential impacts on the GBAS would need to be undertaken in due course and provided to WSA and Airservices Australia to ensure potential impacts are identified, assessed and appropriately managed or mitigated.

Airspace Protection

Based on the information included in the application, no temporary or permanent intrusion into airspace that is protected for the Airport are expected during the construction and operation of the proposed development. However, should the Proponent at any stage during the design, construction, or operation of the proposed development become aware of any potential intrusion into prescribed airspace, the Proponent must provide details (including type, location, timing, duration and height) of the potential controlled activity (including construction cranes, plumes, aerials and antennas etc.) to WSA prior to the controlled activity occurring.

The Proponent should be informed that applications for controlled activities are subject to rigorous assessment processes that are separate and in addition to development approvals that are issued by the NSW or Local governments. The *Airports Act 1996* (Airports Act) and the *Airports (Protection of Airspace) Regulations 1996* (APARs) establish a framework for the protection of airspace at and around Federal Leased Airports that are administered by the Australian Government's Department of Infrastructure, Transport, Regional Development and Communications. Decisions under the APARs are only issued by an authorised delegate and should not be pre-empted.

Please be advised, under Part 12 of the Airports Act, it is an offence to carry out a controlled activity in relation to prescribed airspace without the necessary approval under the APARs. Such offences are punishable on conviction by a penalty of up to 250 penalty units for an individual and 1,250 penalty units for a corporation.

The Proponent must also provide WSA with detailed designs once they become available and the final heights of all buildings and structures upon completion of construction.

Ground Transport System

I note that traffic from the construction and operations at the site will place additional pressure on the ground transport system surrounding the airport site. It is important that any strategy that is approved and implemented take into account the cumulative impact of other road and infrastructure projects occurring in the vicinity.

I also note, the proposed transport strategy suggests restrictions for ARRC related vehicles, for example, '*vehicles accessing the ARRC will be restricted from right-hand turn into Adams road from Elizabeth Drive west*'. However, it is unclear how these restrictions will be enforced and regulated.

Recommendations

Notwithstanding the above, should DPIE decide to approve the proposed development, the Department recommends conditions be included to ensure there are no adverse impacts on 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 WSA to ensure adequate protections are in place to safeguard 24/7 operations at the Airport.

I am informed that WSA has also made a submission on the RTS to DPIE. I would be grateful if you could notify both the Department and WSA of DPIE's determination on the proposed development in due course.

Thank you again for providing the Department the opportunity to comment on the RTS for the proposed Luddenham Resource Recovery Facility development. If you require any further information, please contact me on 02 6274 6566 or via mike.smith@infrastructure.gov.au.

Yours sincerely,



Mike Smith
Director, Environment Policy Section
Western Sydney Airport Regulatory Policy Branch
International Aviation, Technology and Services Division

15 July 2021

Our Ref: C21/346 in FE20/98#9

18 June 2021

Your Ref: SSD-10446

Mr Jeffrey Peng
Senior Environmental Assessment Officer
DPIE Planning and Assessment

c/o: jeffrey.peng@planning.nsw.gov.au
via Major Projects Portal

Mr Peng,

Request for advice on Response to Submissions – Luddenham Resource Recovery Facility (SSD-10446) at 275 Adams Road, Luddenham NSW 2745 (Lot 3 DP 623799) – Oaky Creek

Thank you for your referral seeking comment on the Response to Submissions (RtS) from DPI Fisheries, a division of NSW Department of Primary Industries on the proposed works stated above.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. DPI Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries has previously provided comments on the Environmental Impact Statement (EIS) for this project in OUT20/10220 on 24/08/2020. In that document DPI Fisheries requested that a riparian vegetation plan be developed and implemented on the eastern side of the proposed site as Oaky Creek is Key Fish Habitat and a third order stream.

DPI Fisheries have reviewed the Luddenham Advanced Resource Recovery Centre – Submissions Report (Coombes Property Group & KLF Holdings, May 2021, J190749RP38) and was unable to locate a riparian vegetation plan.

After contacting yourself, I have been advised that the revegetation of the riparian zone of Oaky Creek (eastern side of the site) would be addressed in the biodiversity management plan for a related development (i.e. reactivation of the Luddenham Quarry, DA315-7-2003-Mod) as a post-approval matter.

If you require any further information, please contact Josi Hollywood on (02) 4222 8311 or josi.hollywood@dpi.nsw.gov.au

Yours sincerely,



Scott Carter
Senior Fisheries Manager, Coastal Systems Unit



NSW RURAL FIRE SERVICE

Department of Planning and Environment (Sydney Offices)
GPO Box 39
Sydney NSW 2001

Your reference: SSD-10446
Our reference: DA20200407001229-Response to
Submissions-1

ATTENTION: Jeffrey Peng

Date: Thursday 8 July 2021

Dear Sir/Madam,

Development Application
State Significant – Response to Submissions – Waste or resource management facility
Luddenham Resource Recovery Facility, (none)

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 23/06/2021.

The NSW RFS has reviewed the information provided and advises that the conditions of our correspondence dated 14 April 2020 must continue to be applied to the development.

For any queries regarding this correspondence, please contact Emma Jensen on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
Supervisor Development Assessment & Plan
Built & Natural Environment

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
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Regional
NSW

Jeffery Peng
Senior Environmental Assessment Officer
Energy Resource Assessment
Dept of Planning, Industry and Environment
4 Parramatta Square
Parramatta NSW 2124

Our ref: DOC21/511412
Your ref: SSD10446 RTS

Emailed: via planning portal

23 June 2021

To whom it may concern,

Subject: Luddenham Resource Recovery Centre – SSD10446 – RTS.

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Regional NSW – Mining, Exploration and Geoscience (MEG) – Geological Survey of NSW (GSNSW).

MEG has reviewed the Response to Submissions Report (dated 27 May 2021) and notes that section 4.13 advises that biodiversity offsets are likely to be met through payment into the Biodiversity Conservation Fund. MEG requests to be consulted should any changes to the preferred offsetting method become required.

Queries regarding the above information should be directed to the MEG - Land Use team at landuse.minerals@geoscience.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steven Palmer'.

Steven Palmer
Manager, Land Use Assessment
Geological Survey of NSW – Mining, Exploration and Geoscience.

Jeffrey Peng
Senior Environmental Assessment Officer
Energy Resource Assessment
Department of Planning, Industry and Environment
email: jeffrey.peng@planning.nsw.gov.au

Advice provided via the Major Project Portal

Dear Mr Peng

Response to Submissions Report - Luddenham Resource Recovery Facility (SSD-10446)

Thank you for your referral dated 1 June 2021 inviting comment from Heritage NSW on the Response to Submissions (RTS) report for the above state significant development.

Heritage NSW has reviewed the following documents as part of providing our comments in relation to Aboriginal cultural heritage matters:

- Luddenham Advanced Resource Recovery Centre: Submissions Report (RTS) prepared by EMM, dated 27 May 2021
- Luddenham Advanced Resource Recovery Centre: Aboriginal Cultural Heritage Assessment (ACHA) prepared by EMM, dated December 2020

We note test excavations have now been undertaken to characterise the subsurface potential for Aboriginal objects to occur within the project area. One Aboriginal site will be avoided by the project. Another Aboriginal site, identified during the test excavations, will be impacted. Ongoing consultation with the Registered Aboriginal Parties (RAPs) has re-emphasised the high cultural significance and connection Aboriginal people have with the area. We note RAP comments have been incorporated into the ACHA.

We support the results of the December 2020 ACHA and recommend the mitigation measures now outlined in this ACHA form the basis of any subsequent conditions of approval.

We support and recommend ongoing consultation with the RAPs as part of construction works and design and recommend a Heritage Interpretation Strategy be prepared that acknowledges and incorporates Aboriginal history and cultural heritage.

We support the request of the RAPs to retain Aboriginal objects retrieved during the test excavations and await the submission of a Care Agreement application under s85A of the *National Parks and Wildlife Act 1974*.

If you have any questions regarding the above advice please contact me on (02) 6229 7089 or via email at jackie.taylor@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor
Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW
16 June 2021

Our ref: DOC21/476790
Senders ref: SSD 10446 (Liverpool City)

Jeffrey Peng
Senior Environmental Assessment Officer
Energy Resource Assessments
Planning and Assessment Group
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Peng,

Response to Submissions – Luddenham Resource Recovery Facility, 275 Adams Road, Luddenham (SSD 10446)

Thank you for your email of 10 June 2021 requesting input from Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment on the Response to Submission (RtS) Luddenham Resource Recovery Facility, 275 Adams Road, Luddenham.

EES has reviewed the Luddenham Advanced Resource Recovery Centre Submissions Report and advises that all matters previously raised in EES correspondence (Ref DOC20/616863) dated 13 August 2020 have been adequately addressed.

If you have any queries or would like additional information regarding this matter, please do not hesitate to contact Bronwyn Smith Senior Conservation Planning Officer on 02 8973 8604 or at Bronwyn.smith@environment.nsw.gov.au

Yours sincerely



21/6/2021

Marnie Stewart
A/Senior Team Leader Planning
Greater Sydney Branch
Biodiversity and Conservation