

28 February 2022

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Re: Luddenham Advanced Resource Recovery Centre - Response to Request for Additional Information (RFI-36320716)

Dear Will,

This letter provides a response to the Department of Planning and Environment (DPE)'s request for additional information in relation to the Luddenham Advanced Resource Recovery Centre (ARRC) (dated 8 February 2022).

DPE notes in the request for additional information, that the NSW Environment Protection Authority (EPA) does not support evening and night-time operations. DPE also note that the concerns raised in relation to evening and night-time operations are shared by DPE. On this basis, DPE requests the applicants reconsider the scale of the development including the hours of operation.

Noise impacts from ARRC operations have been central to discussions regarding the ARRC. The applicants, DPE and EPA all agree that the area is in transition and much of the discussions have been focused on how to manage the early part of this transition. As previously communicated, the applicants don't agree with but must accept the EPA's conservative position given the uncertainty caused by the lack of clear written guidance or policy regarding the applicable future background noise levels/criteria in the Aerotropolis, particularly close to the Western Sydney Airport (WSA). The applicants are respectfully seeking certainty to operate during the evening/night in the long term (while accepting a moratorium in the short term).

As discussed in a recent meeting with DPE (11 February 2022), the applicants do not agree that the scale of the ARRC (including hours of operation) should be revised. The proposed scale and operating hours will assist in meeting the developing Aerotropolis' demand for resource recovery services, including the demand from 24-hour infrastructure projects. Rather, the applicants respectfully submit that their commitment to not operate the ARRC during the evening and night-time period in the short term may be appropriately conditioned by DPE (should the ARRC be approved) to minimise impacts to existing rural residences. It is noted the EPA raised the potential of an approval condition imposing a moratorium on evening and night-time operations (EPA letter dated 28 January 2022).

Further, the applicants respectfully seek some certainty regarding the opportunity to undertake night-time operations in the medium to long-term. Any later modification of an approval (should one be granted) to allow for evening and night-time operations may rely on existing use pursuant to Division 4.11 of the *NSW Environment, Planning and Assessment Act 1979* (EP&A Act). If not considered now, this may potentially unfairly constrain any future extension to ARRC operations. An inability to operate the ARRC during the evening and night-time in the medium to long term would be unreasonable in the context of the inevitability of surrounding future land use which will include the 24-hour WSA and 24-hour logistic and agribusiness uses such as those identified in the comparative analysis in EMM's letter dated 19 November 2021.

As noted previously, the area is already zoned agribusiness, with DPE's expectation and desire that it be developed for commercial/industrial uses. Along with WSA operations, these operations will increase background noise levels. However, the rate of development and associated increase in background noise occurs is uncertain (although, it depends in part on whether noise criteria allow feasible commercial/industrial development). Further, with the increased value of the (now) commercial properties surrounding the ARRC site, it is not known how long R2 and R6 will remain residences (noting the owner of the uninhabited R3 intends to develop the site for commercial/industrial purposes).

The applicants therefore request a condition be included to impose a moratorium on evening/night operations based on the planned transition of the area (rather than noise measurements). As previously suggested, this could be along the lines of:

There are to be no evening or night-time operations until, whichever is sooner:

- *Evening/night-time commercial aircraft operations commence at Western Sydney Airport to the satisfaction of the Planning Secretary; or*
- *Industrial noise criteria are applied to the site by the EPA; or*
- *the locations R2, R3 and R6 are no longer uses as residences; or*
- *the year 2027;*

unless otherwise approved by the Planning Secretary.

The applicants believe that this suitably reflects the government's long-term vision for the development within the Aerotropolis and would provide certainty to all parties whilst limiting impacts during the near-term transition.

Yours sincerely



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