



## Australian Government

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

Mr William Hodgkinson  
A/ Principal Planner, Industry Assessments  
NSW Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Via: [william.hodgkinson@planning.nsw.gov.au](mailto:william.hodgkinson@planning.nsw.gov.au)

Dear Mr Hodgkinson,

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

Thank you for your email of 1 April 2020 seeking input from the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on the proposed development of a Resource Recovery Facility at 275 Adams Road, Luddenham NSW. It is understood the Department of Planning, Industry and Environment (DPIE) is preparing a Secretary's Environmental Assessment Requirements (SEARs) as the proposed development constitutes a State Significant Development under the *Environmental Planning and Assessment Act 1979*, and the Department will have an opportunity to provide further comments at that stage.

The subject site is located adjacent to the Western Sydney International (Nancy-Bird Walton) Airport (the Airport) boundary in close proximity to the runway touchdown zone and situated within the ANEC/ANEF 20-25 and 25-30 contours. Development on the site may therefore be subject to a number of considerations and constraints including, but not limited to: airport safeguarding and airspace protection; and the Western Sydney Aerotropolis Plan and the State Environmental Planning Policy and zoning.

The Department is concerned that the scoping report does not demonstrate reasonable consideration of, or a commitment to assess, the potential impacts of the proposed development on the safety, efficiency and viability of airport operations. The Department's comments and recommendations are as follows.

#### ***Airport Safeguarding and Airspace Protection***

The Proponents met with the airport operator and other relevant stakeholders in February 2020 to discuss, *inter alia*, requirements to safeguard 24-hour operations, preventing wildlife strike, generation of wind shear/turbulence, preventing lighting impacts on pilots and maintaining a safe airspace were discussed. The scoping report states: [1] *it was agreed that the development application for the RRC would need to address these issues* [2] *but that there are likely to be feasible measures that can address any issues that could impact airport operations.*

Regarding [1], while the Proponent has agreed to address these issues, the scoping report does not specify that the proposed development will be assessed against the principles and guidelines of the National Airport Safeguarding Framework (NASF).

Regarding [2], in the absence of supporting evidence, the Department cannot agree with the Proponent's statement nor does it support this assessment.

The Department recommends the Proponent provide a comprehensive assessment of the proposed development against each of the NASF guidelines. Please note, airport safeguarding and airspace protection are complex matters that are subject to rigorous assessment processes. For example, applications for controlled activities are managed under the *Airports (Protection of Airspace) Regulations 1996 (APARs)*. Decisions under the APARs must only be issued by an authorised delegate, and should not under any circumstance be pre-empted. The Department recommends the Proponent also provide a thorough assessment to identify the type and duration of all potential controlled activities.

### ***Planning Policy***

The scoping report does not include sufficient detail of whether the proposed development is consistent with the zoning proposed under the Western Sydney Aerotropolis Plan and associated policies, in particular the Agribusiness Zone, which include environmental safeguarding requirements.

The Department recommends the Proponent provide an assessment of, for example (not limited to): how the proposed development and operations of the facility in the short and longer-term are consistent and align with the planning and development outcomes proposed in the draft Western Sydney Aerotropolis Plan and State Environmental Planning Policy.

### ***Additional Comments***

I note the Proponents have also commenced a separate application to reactivate and extend the life of the clay and shale quarry that is currently situated on the subject site to 31 December 2029 (five years beyond the current approved term), as well as revise associated access road routes.

As you would be aware, the Airport is scheduled to commence operations in 2026, therefore extending the quarry activity beyond 31 December 2024 raises a number of concerns. For example (not limited to), the potential impact of dust and particulate matter on airport operations noting the site is located in close proximity to the touchdown threshold for runway 23R. The Department recommends the Proponents provide a thorough assessment of such issues and the cumulative impacts of the Resource Recovery Facility.

Regarding access arrangements, the Department notes the scoping report specifies access to the quarry previously occurred through Commonwealth-owned land and that the Proponent has discussed an approach to assessing staged changes to the road network with the NSW Department of Planning, Industry and Environment (DPIE), Transport for NSW and Liverpool City Council.

Any changes to access arrangements that impact on Commonwealth-owned land and/or the surrounding road network should be assessed in consultation with the Department and the airport operator to ensure any potential impacts have been considered and managed or mitigated where appropriate.

### **Summary**

The Department considers the scoping report does not include sufficient information to enable a comprehensive assessment of the potential impact on airport operations. These assessments are essential to informing balanced and coherent planning and development outcomes around the airport site. The Department therefore recommends the Proponent provide a comprehensive assessment of matters set out above.

In addition to the above, the Department understands the airport operator will also be making a submission on the proposed development to DPIE. The Department recommends any concerns raised by the airport operator also be addressed by the Proponent.

The following links have been included to provide background information on the key areas set out in this letter.

➤ **Airport Safeguarding and Airspace Protection:**

[https://www.infrastructure.gov.au/aviation/environmental/airport\\_safeguarding/index.aspx](https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/index.aspx)  
[https://www.infrastructure.gov.au/aviation/environmental/airport\\_safeguarding/nasf/index.aspx](https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/index.aspx)  
<https://www.infrastructure.gov.au/aviation/safety/protection/index.aspx>  
<https://www.legislation.gov.au/Details/F2004C00653>  
<https://westernsydney.com.au/your-airport/protected-airspace>

➤ **Planning Policy:**

For further information regarding developing plans for the Aerotropolis, please contact [engagement@ppo.nsw.gov.au](mailto:engagement@ppo.nsw.gov.au)

Thank you again for providing the Department the opportunity to input into DPIE's SEARs for the Luddenham Resource Recovery Facility. 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,



Sarah Leeming  
General Manager  
Regulatory, Environment & Stakeholder Engagement Branch  
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