

2 September 2020

Ellen Luu
Senior Environmental Assessments Officer
Department of Planning Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Ms Luu,

Thank you for the opportunity to comment on SSD -10446 for the Advanced Resource Recovery Centre (ARRC) at (Lot 3) 275 Adams Road, Luddenham.

This is a response from the Western Sydney Planning Partnership (Planning Partnership). It is requested that the NSW Department of Planning, Industry and Environment consider the matters in **Attachment 1** when assessing the application.

In summary, the proposed zoning of the land under the exhibited *Western Sydney Aerotropolis Discussion Paper on proposed State Environmental Planning Policy* prohibits the proposed use and it is not coherent with a future Agribusiness precinct. The Planning Partnership requests to review and comment on any future applications on the site or proposals.

It should be noted that the proposed *Western Sydney Aerotropolis State Environmental Planning Policy 2020* and the rezoning of the subject site is expected to occur within coming weeks. This will be accompanied by a finalised Western Sydney Aerotropolis Plan and Phase 1 Development Control Plan.

I trust this information has been of assistance. If you have any more questions, please contact Lance Collison, Senior Planning Officer, Planning Partnership Office on 9860 1536 or via email at Lance.Collison@planning.nsw.gov.au.

Yours sincerely



Andrew Jackson
Director, Planning Partnership Office
Western Sydney Planning Partnership

2 September 2020

Attachment 1 – Detailed comments from Planning Partnership

Strategic Planning Context

The Western Sydney Aerotropolis Planning Package was on public exhibition between 6 December 2019 and 13 March 2020. The package includes:

- Draft Western Sydney Aerotropolis Plan (WSAP);
- Western Sydney Aerotropolis Discussion Paper on proposed State Environmental Planning Policy (SEPP); and
- Draft Western Sydney Aerotropolis Development Control Plan (DCP) Phase 1.

During the exhibition of the Package, the proponent also lodged a submission which discusses their intent to lodge a modification request to their existing consent (see attached). The Planning Partnership is currently reviewing all submissions received during the exhibition of the Package and is determining the next steps to review and finalise it.

The subject site (Lot 3, DP623799) is identified within the Agribusiness Precinct and is proposed to be majority zoned 'Agribusiness' and a smaller rear portion zoned 'Environment and Recreation' (see Figure 1 below) under the SEPP. The gazettal of this SEPP and rezoning of the land is proposed to occur within the next few weeks and is well progressed. Resource Recovery Facilities are listed as a prohibited use within the Agribusiness Zone and the Environment and Recreation Zone under the proposed SEPP.

Figure 1: Proposed SEPP Zoning Map



Application being lodged prior to completion of Precinct Planning for the Initial Precincts.

Precinct Planning for the Agribusiness precinct is being undertaken by the Planning Partnership and proposed to be placed on public exhibition in Q4, 2020 and completed

following exhibition in late 2020 or early 2021. This application has not been able to benefit from the outcomes of this process.

The Planning Partnership requests to review any future application to ensure consistency with strategic planning being undertaken.

Application assessed against the Western Sydney Aerotropolis Discussion Paper on proposed State Environmental Planning Policy (SEPP).

Under the proposed Agribusiness zone and Environment and Recreation zone of the SEPP, waste and resource management facilities are not permissible.

The discussion paper lists the following objectives for the future Agribusiness zone:

- To encourage sustainable and high technology Agribusiness and Agricultural production with links to food production and processing.
- To encourage diversity in Agricultural and Agribusiness enterprises and systems appropriate for the area.
- To encourage the development of integrated food and supply chain related industries.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain and enhance natural rural character, biodiversity and sustainability of the area;
- To allow for non-agricultural land uses that will not restrict the use of other land in the locality for agricultural purposes.
- To allow for the sustainable and holistic development of agritourism product and experiences.
- To protect the operations of the Airport, including 24-hour operations, and provide appropriate protections for the community.
- Ensure there are no sensitive land uses (such as residential, aged care, early education and childcare, educational establishments and hospitals amongst other uses) located within the ANEC 20 and above contours.
- Ensure that land uses up to the ANEC 20 contour are subject to appropriate design and construction standards to reduce any potential for airport noise impacts.

While some objectives are not relevant, the proposal does not have a link to Agribusiness or Agricultural production. The proposal does not enhance rural character and does not minimise conflict between land uses within this zone. However, it is noted the impacts on WSA aviation operations can be mitigated and the land use is not noise sensitive.

An overlay is requested to show how the development compare to the proposed zoning boundaries. It appears (not confirmed) that the ARRC is within the Agribusiness precinct and not within the proposed Environment and Recreation zone portion.

Application assessed against the Draft Western Sydney Aerotropolis Plan

The draft Plan establishes a vision, objectives and principles for the development of the Aerotropolis. The Agribusiness Precinct is identified for primarily agricultural and agribusiness uses in the future and resource recovery facilities do not align with the precinct's intent. The Precinct will build on existing agricultural operations and natural landscape character, acting as a catalyst for agricultural export from the region.

The proposed land use is not considered to be a desirable land use in this precinct. It is considered a resource recovery facility and will import waste. These facilities are desirable land uses within the Badgerys Creek precinct of the Aerotropolis. It is not considered to be circular economy enabling infrastructure which is a desirable land use in this precinct.

The draft Plan for the Agribusiness precinct also lists numerous key considerations when considering the development of the precinct. The proposal does not demonstrate how it will support existing rural industry to minimise land use conflicts. It is unclear how it will incorporate the existing rural landscape. The proposal is seen to not prevent the key considerations of aircraft noise, safeguarding for airport operations, wildlife attraction, biosecurity and recognition of existing communities such as Luddenham being met.

The draft Plan also lists numerous strategic outcomes for the precinct. Of the relevant outcomes to this application it is argued the proposal does not meet the following:

- Provide a world-class agriculture and agribusiness precinct that will deliver fresh and value-added Australian food production from farm gate to the global market.
- Accommodate agricultural value-added industries and freight and logistics facilities that benefit from access to the proposed Outer Sydney Orbital and air-side access to the Airport.
- Support and add value to the effective ongoing agricultural industry operations and viability across the Western Parkland City and beyond (across NSW).
- Provide for the movement and storage of agricultural commodities that should be connected to the commercial entrance of the Airport.
- Allow for the development of integrated food supply chain related industries particularly those that rely on the skills of and proximity to a growing population in the Western Parkland City.
- Facilitate education, research and development and high technology land uses associated with food production and processing.
- Capitalise on the increasing domestic and international demand for high-quality fresh food and value-added pre-prepared meals.
- Enable a road layout and subdivision pattern that supports the movement, storage and processing of agricultural goods and produce into and out of the Western Parkland City.
- Address any potential for land use conflict between adjoining land uses as a result of future development, including airport operations.
- Enable innovative approaches to sustainability outcomes including water sensitive design, resource and liquid and solid waste management and adaptable and durable credentials as a key driver for the design and function of the precinct.

It is acknowledged Stage 3 of the development on the proposed site (not part of this current application) for a sustainable and high-tech agribusiness hub supporting food production, processing, freight transport, warehousing, and distribution may meet the vision and objectives of the Agribusiness precinct.

The proposal may meet the outcomes on 'enable smart city and digital integration into research, education and logistics', this is due to a proposed collaboration with NSW Circular and UNSW Material Sciences. The proposal may also 'integrate sustainable energy, waste and water as well as circular economy design principles into development and operations'. Waste from within the Aerotropolis and Western Sydney can be recycled and repurposed on site. The proposal will also harvest rain from the warehouse roof for internal use.

Furthermore, the proposal may prevent the following implementation strategies of the draft Plan being achieved:

- Establish a transport network layout that facilitates the timely movement and processing of goods and produce, as well as supporting public transport, cycling and pedestrians with appropriate amenity
- Address the interface and relationship with the Western Sydney Airport freight services and airport logistics through precinct planning

Consideration of the Draft Aerotropolis Development Control Plan Phase 1 (DCP)

Section 2.5.2 has objectives for the Agribusiness precinct, while some are not relevant to this proposal, it generally does not meet these. It will not provide food production, logistics, education or tourism facilities. However, the proposal may assist with circular economy principles as it can process locally produced waste. The proposal also does allow for the safeguarding of future operations of the Airport.

The DCP also requires development responds to the existing topography. The EIS advises the ARRC will not encroach on the Oaky Creek riparian corridor which provides an interface between the WSA and the ARRC site. The Oaky Creek riparian corridor provides a visual buffer between the ARRC and the airport land. However, treatments to adjacent properties within the Agribusiness precinct have not been addressed.

NASF Guidelines

Due to the proximity of the site to the Western Sydney Airport, the National Airports Safeguarding Framework (NASF) should be considered in the assessment. It provides decision makers guidance to manage the compatibility to uses around airports. The EIS provides an assessment and a preliminary peer assessment of the proposal against each of the NASF Guidelines is provided below, however, Western Sydney Airport Co. should also be contacted for advice:

Guideline A: Measures for Managing Impacts of Aircraft Noise

The proposed land uses are not considered to be noise sensitive. The site is also in a location outside the Australian Noise Exposure Forecast (ANEF) 25-30 contour and the proposed land use is acceptable in this location.

Guideline B: Managing Building-Generated Windshear and Turbulence

Not applicable. The site is outside the rectangular assessment trigger area.

Guideline C: Managing Wildlife Strike Risk

The proposed resource recovery facility is listed as a wildlife attraction risk land use in Attachment 1 of Guideline C. This is a Non-putrescible waste facility - transfer station which requires the proponent to mitigate the risk. The EIS advises a range of additional management and mitigation measures will be implemented to prevent wildlife or birds being attracted to the ARRC.

A Landscape Concept Plan is provided - Appendix T. Any landscaping species being planted should be on the proviso they do not attract wildlife or grow to a size which will penetrate the Obstacle Limitation Surface.

Guideline D: Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation

Not applicable.

Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the vicinity of Airports

Guideline E generally requires lighting within 6km of an aerodrome to comply with the provisions of regulation 94 of Civil Aviation Regulations 1988.

Guideline F: Managing Protected Airspace Intrusion

The maximum height of project elements is below the OLS elevation which is approximately 104m to 125.5m AHD at the property. This should satisfy the OLS requirements for Western Sydney Airport.

Guideline G: Protecting Aviation Facilities — Communications, Navigation and Surveillance (CNS)

Not applicable as no CNS facilities have been identified at this time.

Guideline H: Protecting Strategically Important Helicopter Landing Sites

Not applicable as no helicopter landing sites have been identified at this time.

Guideline I: Public Safety Areas (PSAs)

Not applicable, as site is outside any potential PSA.

Interface issues

The proposal has not had the opportunity to benefit from precinct planning. Access to the site is via a cul-de-sac leg. The buildings do not front or present to the street and may not positively contribute towards a future streetscape and urban form.

Removal of vegetation

The proposed development is supported by a Biodiversity Development Assessment Report (Appendix O). It is seen that the ARRC will avoid most sensitive biodiversity areas and that the development appears to be outside of the land proposed to be zoned Environment and Recreation. A total of 0.28 ha of PCT 1800 Swamp Oak forest on riverflats of the Cumberland Plain and Hunter Valley will be cleared if consent is given. Credits will be required to offset these impacts.

Heritage

An AHIMS site within the subject property (#45-5-2280) is outside the area that will be impacted by the project and is currently protected by fencing. The site has heavy ground disturbance as a result of modern industrial activities. Nevertheless, the Aerotropolis is being planned with an emphasis on the conservation and celebration of Aboriginal Cultural Heritage and should the modification be given consent all processes to mitigate loss of heritage should be met, including the statutory requirements outlined in the Heritage Act 1977 and National Parks and Wildlife Act 1974.