



1 September 2020

Will Hodgkinson
A/ Principal Planner
Industry Assessments
NSW Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Will,

Proposed State Significant Development (SSD-10446) - Luddenham Resource Recovery Centre

We are writing in response to the public exhibition of the Environmental Impact Statement (EIS) 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*.

Project Summary

Based on the project description in the EIS, WSA understands the proposed development is seeking approval for a waste facility that will:

- Receive construction and demolition, and commercial and industrial waste;
- Crush and grind concrete and demolition waste into aggregate products for re-sale;
- Shred tyres and timber materials;
- Stockpile waste materials;
- Dispose of waste (on-site or off-site) that cannot be recycled or re-used; and
- Operate 24 hours/7 days a week.

The Site directly adjoins the Western Sydney International (Nancy Bird Walton) Airport (the Airport). WSA's primary concern with the Proposed Development is that the proposed land use is potentially incompatible with Airport operations and is inconsistent with the strategic planning and vision for the Western Sydney Aerotropolis.

Western Sydney Aerotropolis Plan

In December 2019, the NSW Government released the Western Sydney Aerotropolis Planning Package which includes the Western Sydney Aerotropolis Plan (WSAP) and a Discussion Paper on the proposed State Environmental Planning Policy for the Western Sydney Aerotropolis (Draft SEPP).

The WSAP sets out a vision for the Aerotropolis, establishes precincts and proposes initial precincts for development. The site of the Proposed Development is located within the Agribusiness Precinct. The WSAP sets out a range of Strategic Outcomes and the Proposed Development is not consistent with the Strategic Outcomes for the Agribusiness Precinct. The EIS does not demonstrate how the proposal is consistent with the strategic outcomes envisaged for the Agribusiness Precinct and only



proposes that other development in the Aerotropolis will deliver the agribusiness outcomes. The Proposed Development is not consistent with, nor achieve the desired strategic outcomes for the Agribusiness Precinct.

One of the key implementation strategies for implementing the vision of the WSAP is preparing individual Precinct Plans under the Draft SEPP. The intent of the Precinct Plan is to provide more detailed outcomes for each Precinct, including Indicative Layout Plans. The future development of the site should be in accordance with the vision for the Agribusiness Precinct and in accordance with detailed Precinct Plans.

Draft State Environmental Planning Policy - Western Sydney Aerotropolis

In December 2019, a Discussion Paper on the proposed State Environmental Planning Policy for the Western Sydney Aerotropolis (Draft SEPP) was publicly exhibited and is a draft environmental planning instrument that must be taken into consideration.

Specifically, the Draft SEPP prohibits permit waste management facilities on the site. Whilst WSA supports circular economy strategies and waste minimisation, recovery and reuse, such facilities should be appropriately located and be consistent with strategic and statutory plans that apply to land. The WSAP and Draft SEPP have made strategic decisions in relation to future location of waste management facilities and have established that this use is not suitable for the Agribusiness zone and should be located on other land.

In addition, the application does not address the draft objectives for the Agribusiness zone, which encourage high technology agribusiness, agricultural production and agribusiness enterprises. The Proposed Development is a prohibited use under the Draft SEPP and inconsistent with the Agribusiness zone objectives. The Draft SEPP is a matter for consideration that should have been properly assessed in the EIS and must be taken into account by the consent authority.

If the Proposed Development is approved, a long-term use will be established that will be a prohibited use (as proposed in the Draft SEPP) and inconsistent with WSAP vision and desired outcomes for the Agribusiness precinct.

Liverpool Local Environmental Plan 2008

The application has not addressed, nor demonstrated, how the Proposed Development is consistent with the Liverpool Local Environmental Plan 2008 (LLEP) RU1 Primary Production zone. The LLEP prohibits waste management facilities in the RU1 Primary Production zone. Whilst State Environmental Planning Policy (Infrastructure) may make the development permissible, the application must demonstrate consistency with the RU1 zone objectives. It is not consistent with the RU1 zone objectives and the EIS does not assess the LLEP controls in any substantive detail.



Additional Comments on the Proposed Development

1. The EIS references the intent to dispose of some wastes on-site to fill the quarry void. It is unclear if the application is seeking approval for this, noting that the Applicant is also currently seeking to recommence quarry operations and continue them through to 2024 and will be required to prepare or update a Site rehabilitation plan. The applicant is required to rehabilitate the quarry regardless of the Proposed Development.
2. The application states "*This ARRC application seeks approval to transfer non-recyclable residues to the void. It does not seek approval for the placement of this material, which will be subject to a separate approval.*" WSA seeks clarification regarding the Applicant's intent on how it proposes to manage and dispose of waste that is not recycled.
3. The EIS states that it is the intent of the facility to receive garden waste, wood waste and vegetative waste, but does not provide detail of how this waste is to be managed or disposed of. These types of waste are organic waste and if disposed of in the quarry void would likely result in the generation of land fill gas as the waste breaks down. This would require management of land fill gas and may give rise for the need for flaring or plumes to manage land fill gases. Management of any land fill gas (e.g. flaring) needs to be assessed as it can create a hazard to Airport operations. In addition, wildlife hazards associated with landfilling will need to be assessed. Further information and clarification on this matter is required.
4. Similarly, in relation to plume rise, the Aviation Impact Assessment (AIA) makes a statement that the Proposed Development is unlikely to produce an exhaust plume that will require an assessment by CASA. No information is provided to substantiate the conclusion regarding assessment of the types of activities that could result in a plume and, if so, what the plume impacts may be.
5. The AIA includes an assessment of the Proposed Development on the Airport's Prescribed Airspace. WSA notes that height of the proposed building is to 80m AHD and will not infringe on the Obstacle Limitation Surface. However, the report also states that a draft PANS-OPS surface has been declared for WSA, which is incorrect. Whilst it may be reasonable to assume no infringement, based on the location and height of the facility, the assessment should not conclude that there will be not be an infringement of the PANS-OPS surface.
6. The AIA states that WSA has agreed to include the operators of the ARCC as a participant in an airport safety committee. WSA has not yet established a safety committee, nor its terms of reference nor held any discussion regarding membership of such a committee. WSA has engaged with the landowner regarding the Proposed Development and will engage with the landowner in relation to future development proposals on its Site. However, the statement incorrectly implies WSA is supportive of the Proposed Development and that the applicant would be a member of an airport safety committee.
7. Ground Based Augmentation Systems (GBAS) are a critical component of WSA's proposed navigation systems for the Airport, primarily for precision aircraft approach and landing. The AIA notes that the Applicant discussed potential impacts GBAS with WSA. The AIA infers that WSA has indicated that the GBAS site may not be suitable. For clarification, WSA



advised that a potentially GBAS-suitable location in the north-west corner is yet to be fully assessed; this will require WSA to seek the advice of Airservices Australia and the manufacturer on its preferred arrangement of antennas at the location. Whilst the AIA has undertaken an assessment of impacts, it is unclear where the AIA has assumed the location of GBAS will be for the Stage 1 Development of the Airport.

8. The AIA states that WSA has adopted the Queensland Government template approach to Public Safety Areas (PSA) at the end of each runway. Whilst the indicative layouts in the Airport Plan show a nominal trapezoid shape, the implementation of PSAs is via State and local government planning policies. The WSAP proposes to apply a PSA modelled on the anticipated characteristics of aircraft movement at the Airport rather than the generic shape.
9. The wildlife assessment submitted as part of AIA refers to the Western Sydney Airport EIS and that Western Sydney Airport EIS did not identify the Proposed Development site as a risk. When the Western Sydney Airport EIS was prepared a waste management facility was not proposed for the site and therefore it is not relevant that the Western Sydney Airport EIS did not identify the site as an area of concern.
10. The EIS states the project is unlikely to increase the potential of wildlife collisions as the site will be less attractive than other surrounding areas. However, the assessment does not consider the potential cumulative impacts of the waste management facility being located in close proximity to other existing and proposed waste management facilities in the immediate vicinity of the airport and the potential for wildlife to move between facilities and transit across future operational airspace.
11. The SEARs require that the EIS assess the potential vibration impacts from construction and operations. The EIS only assesses vibration impacts during construction. It does not assess operational vibration impacts. This is important as the site interfaces with WSA's proposed fuel farm. Accordingly, the vibration impacts on Airport infrastructure from crushing, grinding, and shredding operations on the Site need to be assessed.
12. The Proposed Development anticipates a trip generation of 1,368 vehicles movements a day, with 183 heavy vehicles during the AM peak hour. The Proposed Development will involve a significant volume of heavy vehicle trips, including B-doubles. This will result in a significant volume of traffic on Adams Road, which is currently a weight limited rural road at the entrance to the Proposed Development. Further, it is unclear whether the traffic impact assessment considered the potential of heavy vehicles associated with the Proposed Development and their interaction with heavy vehicles accessing the Airport via upgraded sections of Anton Road and Adams Road during the construction and operation of both facilities.
13. The traffic assessment assumes that Elizabeth Drive will be upgraded prior to the opening of the Airport. WSA understands the only localised sections of the Elizabeth Drive are currently planned or approved for upgrades. This includes intersections with The Northern Road and the intersections associated with the construction of the M12. At this stage, WSA understands that only a concept design study is being undertaken by Transport for NSW for the full upgrade of Elizabeth Drive between the M7 and The Northern Road. Environmental



studies are yet to be undertaken and no planning approvals have been granted. Funding for the full upgrade of Elizabeth Drive has also yet to be allocated.

14. Therefore, the EIS should assess the impacts of the Proposed Development based on the current design and capacity of Elizabeth Drive, including the suitability of the proposed use occurring before any upgrade to Elizabeth Drive. In particular, the intersection of Adam Road and Elizabeth Drive may need to be upgraded as a result of the Proposed Development to ensure the safe operation of this intersection.
15. The traffic assessment, particularly the traffic volumes do not appear to have taken into account future development envisaged by the WSAP and therefore the impact to network capacities and intersection performances may not have been properly assessed. In addition, it is unclear if the assessment has taken into account construction traffic associated with the major infrastructure projects occurring in the vicinity of the site such as the Airport, M12 and Metro Rail.

WSA is currently undertaking a review of the Air Quality Impact Assessment and may provide further comments in relation to this matter.

In summary, WSA is of the view that the application has not properly assessed the relevant statutory controls and is not consistent with the objectives of LLEP and Draft SEPP. The Proposed Development is not consistent with the vision and desired future land uses set out in WSAP. Nor does the EIS demonstrate how the proposal is consistent with the strategic outcomes envisaged for the Agribusiness Precinct.

The EIS does not adequately assess a number of potential environmental impacts and it is unclear how it is proposed to manage and dispose of some wastes. Future development on the site should respond to Precinct Planning that will be undertaken for the Agribusiness Precinct. If the Proposed Development is approved, a long-term use will be established that will be a prohibited use (as proposed in the Draft SEPP), which will be inconsistent with WSAP vision and desired outcomes for the Agribusiness precinct.

If you would like to discuss further, please contact me at kosborne@wsaco.com.au.

Yours Sincerely,

A handwritten signature in blue ink that reads "K. Osborne". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirk Osborne

Executive Manager, Land Use Planning and Approvals