



16 October 2020

Mr Pascal Bobblier
General Manager Development
The Trustee for Coombes Family Trust No. 13
Level 5, 2 Grosvenor Street
Bondi Junction NSW 2022

-via email-
jkrick@emmconsulting.com.au

Dear Mr Bobblier,

**Luddenham Resource Recovery Facility (SSD-10446)
Response to Submissions – Additional Comments**

I refer to the Department's request for a Response to Submissions (RtS) dated 3 September 2020 for the Luddenham Resource Recovery Facility (SSD-10446). The Department has undertaken further consultation with public authorities following commencement of State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) and requests you address its additional comments (**Attachment 1**) and comments from the Western Sydney Planning Partnership (WSPP) (**Attachment 2**) in your RtS.

The Department notes the WSPP has advised the proposed development is not consistent with the objectives and desired outcomes of the Agribusiness zone under the Aerotropolis SEPP and the Western Sydney Aerotropolis Plan and suggests you carefully consider these matters when preparing your RtS.

The Department requires you provide responses to the issues raised above and in this letter, and those identified in previous correspondence dated 3 September 2020 in your RtS, in accordance with clause 85A(2) of the Environmental Planning and Assessment Regulation 2000.

In addition, the Department suggests coordinating a meeting with you to further discuss the key issues, particularly relating to the strategic planning matters that have been raised. This meeting should occur prior to you submitting your RtS.

If you have any questions, or would like to arrange the meeting, please contact Ellen Luu on 02 8275 1037 or via email at ellen.luu@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Ritchie'.

16 October 2020

Chris Ritchie
**Director, Industry Assessments
Planning & Assessment**

ATTACHMENT 1

In order to finalise the Department's assessment, additional information is required including but not limited to the following:

1. Noise Impacts

- In Section 7.1 of the Noise and Vibration Impact Assessment (NVIA), the daytime amenity level for a 'suburban' noise amenity area has been adopted to evaluate sparsely spaced rural residential receivers. It is noted that the rural and suburban amenity evening and night noise criteria are the same, however the daytime is different. Please provide justification for this approach.
- Project amenity noise level of 65 dB(A) for industrial premises has been adopted for residential receivers in the agribusiness precinct. Irrespective of the rezoning of surrounding land to agribusiness under the Aerotropolis SEPP, intrusiveness noise levels (i.e. based on the existing background noise level) and amenity noise levels for residential receivers in each noise amenity area (corresponding to rural, suburban, urban) apply to existing residential dwellings. Please provide justification for this approach.
- Significant exceedances of project noise trigger levels have been reported at nearby residential receivers (R3 and R6) for the 'unmitigated' scenarios associated with the operation of the ARRC alone as well as both ARRC and quarry together. Please provide further details on the reasonable and feasible mitigation measures such as heavy vehicle / time restrictions and engineering controls, as this has not been considered in detail in the NVIA nor incorporated into the project design to minimise operational noise impacts.

ATTACHMENT 2

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 D.P. 623799) No.275 Adams Road, Luddenham (subject site)

The Western Sydney Planning Partnership (the Partnership) provides this advice based on the now finalised Planning Package dated 11 September 2020 and commencement of the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) on the 1 October 2020. 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 new *Agribusiness* zoning and *Environment and Recreation* zoning of the subject site under the Aerotropolis SEPP prohibits the proposed land use. Furthermore, the Partnership is of the view the proposed use is not in keeping with the objectives and desired outcomes of the Agribusiness zone and precinct.

The Partnership also requests to review and comment on any future applications on the site or proposals.

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

8 October 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;
- Western Sydney Aerotropolis Discussion Paper on proposed State Environmental Planning Policy; and
- Draft Western Sydney Aerotropolis Development Control Plan Phase 1.

During the exhibition of the Package, the proponent lodged a submission which discusses their intent to lodge a modification request to their existing development consent.

On 11 September 2020, this Package was finalised. The package comprises of:

- Western Sydney Aerotropolis Plan (WSAP)
- Western Sydney Aerotropolis Plan Finalisation Report
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- Amendment to the Environmental Planning and Assessment Regulation 2000
- New Ministerial Direction 7.8 Implementation of Western Sydney Aerotropolis Plan
- Western Sydney Aerotropolis Development Control Plan (DCP) Phase 1

The subject site (Lot 3, DP 623799) is located within the Agribusiness Precinct and zoned part 'Agribusiness' and part zoned 'Environment and Recreation' (see Figure 1 below) under the SEPP. Resource Recovery Facilities are listed as a prohibited use within both the Agribusiness Zone and the Environment and Recreation Zone under the Aerotropolis SEPP.

Figure 1: 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 Partnership, with draft precinct plans and supporting technical studies to be exhibited in Quarter 4 of 2020.

The Partnership is of the firm view the proposed use is not in keeping with the objectives and desired outcomes of the Agribusiness precinct and related zones.

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

Application assessed against the Western Sydney Aerotropolis State Environmental Planning Policy.

Under the Agribusiness zone and Environment and Recreation zone of the SEPP, waste and resource management facilities are not listed as a permissible use in the subject zones.

The Partnership is concerned the impact the development may have on the Environment and Recreation zone. As such, it is recommended the Proponent provides an overlay to demonstrate how the proposed development compares to the zoning of the subject site.

The Aerotropolis SEPP lists the following objectives for the Agribusiness zone.

- To encourage diversity in agribusiness, including related supply chain industries and food production and processing that are appropriate for the area.
- To encourage sustainable and high technology agribusiness, including agricultural produce industries.
- To enable sustainable agritourism.
- To encourage development that is consistent with the character of Luddenham village.
- To maintain the rural landscape character and biodiversity of the area.

Based on the above objectives, the Partnership is of the view the proposed use is not in keeping with the objectives and desired outcomes of the Agribusiness zone and therefore should not be supported.

Application assessed against the Western Sydney Aerotropolis Plan

The WSAP establishes a vision, objectives and principles for the development of the Aerotropolis. The Agribusiness Precinct is identified primarily for agricultural and agribusiness land uses. A resource recovery facility does not align with the precinct's vision or 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. Such a use would be better placed in the Enterprise Zone.

In addition, The WSAP identifies numerous key matters for consideration regarding the Agribusiness precinct, that should be addressed when contemplating the development of the precinct. The proposed development does not demonstrate how it will support the existing rural industry, nor does it address how it will minimise land use conflicts with these industries or the desired future land uses permitted in the zone. It is also unclear how it will incorporate the existing rural landscape of the subject site and surrounding area. The proposal also fails to address key issues related to the site, including but not limited to that of aircraft noise, safeguarding for airport operations, wildlife attraction, biosecurity and recognition of existing communities such as the Luddenham Village. A separate comment in relation to heritage is found later in this assessment.

The WSAP also lists numerous strategic outcomes for the Agribusiness precinct. Of the relevant matters related to proposed development, it is submitted the proposal does not satisfy 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.
- Provide an integrated intensive production hub and state of the art integrated logistics hub to deliver a multi-modal supply chain solution for agricultural products to Greater Sydney, NSW and Australia.
- 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 proposal (not part of this current application) is 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 precinct.

Furthermore, the proposal may prevent the following implementation strategies of the WSAP 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 Western Sydney Aerotropolis Development Control Plan Phase 1

Section 2.5.2 of the DCP has the following objectives regarding the Agribusiness precinct:

- a) Provide a world class agribusiness precinct that will deliver fresh and value-added Australian food production from farm gate to the global market.
- b) Provide an integrated intensive production and state-of-the-art integrated logistics hub to deliver a multi modal supply chain solution for Greater Sydney, NSW and Australia.
- c) Accommodate agricultural value-added industries and freight and logistics facilities that benefit from access to the Outer Sydney Orbital and air-side access to the Airport.
- d) Integrate sustainable energy, waste and water as well as a circular economy into development and operations.

- e) Allow for the successful implementation of the blue-green grid for the Western Parkland City.
- f) Incorporate the values of Aboriginal people of Western Sydney into building design and landscaping.
- g) Luddenham Village will provide local services supporting the precinct.
- h) Encourage education opportunities related to agriculture and agribusiness.
- i) Embrace tourism opportunities presented by the development of the Airport.
- j) Ensure development of the precinct in a logical and staged manner.
- k) Innovative development embraces and promotes new and emerging technologies.
- l) Protect the operations of the Airport, including 24-hour operations and provide appropriate protections for the community.
- m) Achieve high levels of water retention in the landscape to achieve healthy waterways, facilitate and support effective flood mitigation.
- n) Ensure that design minimises energy and optimises water management providing pathways to net zero emissions and enhancement of environment across the entire Aerotropolis.

It is the view of the Partnership the proposed development of the subject site fails to meet the above stated objectives.

Furthermore, the following additional matters have been identified as key considerations relative to the proposed development:

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 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 use is 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.

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. As such, any landscape species shall meet the preferred species for the Aerotropolis.

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 110m to 125m 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.

Visual Impact and Interface issues

The subject site is irregular in shape, serviced by an access handle. Despite the proposed development not fronting the street, details are required to demonstrate how any buildings will contribute in positive manner to the future streetscape envisaged by precinct plans and surrounding area.

The DCP also requires development to respond to the existing topography. The EIS notes the ARRC will not encroach on the Oaky Creek riparian corridor which provides an interface between the Western Sydney Airport and the ARRC site. It is important to note the Oaky Creek riparian corridor provides a visual buffer between the ARRC and the airport land. The Partnership is of the view that the proposal has not adequately addressed how it will mitigate the impacts on its interface with Oaky Creek or adjacent properties.

Removal of vegetation

The proposed development is supported by a Biodiversity Development Assessment Report (Appendix O). It is seen that the ARRC has been designed to avoid sensitive biodiversity areas where possible and that the development appears to be outside of the land zoned Environment and Recreation. A total of 0.28 ha of PCT 1800 Swamp Oak forest of the Cumberland Plain 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 Connecting with Country in mind and should the modification be given consent all processes to mitigate loss of heritage should be met.