Jeffrey Peng

Subject:

FW: CM: Meeting to discuss Proposed Luddenham resource recovery facility (SSD-10446) - LCC Strategic Planning comment

From: Peter Nelson

Sent: Thursday, 19 May 2022 6:36 PM

To: Jeffrey Peng < <u>Jeffrey.Peng@planning.nsw.gov.au</u>>; Stella Qu < <u>QuS@liverpool.nsw.gov.au</u>> **Cc:** Charles Wiafe < <u>WiafeC@liverpool.nsw.gov.au</u>>; Luke Oste < <u>OsteL@liverpool.nsw.gov.au</u>>

Subject: CM: Meeting to discuss Proposed Luddenham resource recovery facility (SSD-10446) - LCC Strategic

Planning comment

Good Evening Jeffery,

Following our meeting this afternoon, please find a response to both the issues discussed and some additional requested detail in relation to planning matters. Further comment in relation to Traffic and Transportation will be forwarded by @Stella Qu. Please also note that Council's reference for this matter is SSD1-18/2020/B.

Please note that the following comments are provided specifically in relation to;

- The meeting this afternoon
- The agenda for the meeting this afternoon in your email dated 17/05/22
- The information provided by the proponent (Luddenham Advanced Resource Recovery Centre Response to Request for Additional Information (RFI 11032022)) in your e-mail dated 13/5/2022 below.

(1) Precinct Plan

(a) Out of Sequence Development

Council considers that insufficient infrastructure is currently available to the site to permit the use in accordance with Section 3 of the Precinct Plan. In this regard, the site has not demonstrated that gravity connection to the Sydney Water sewer is available or will be available when required. The proponent notes that Sydney Water currently envisage the provision of sewer by 2025 with the proposal to provide temporary onsite treatment until sewer connection is available. This is not in accordance with the following section of the Precinct Plan;

"3.3 OS1 - Where a development application proposes development that does not meet the Requirements of Section 3.1, the applicant is required to demonstrate, to the satisfaction of the consent authority, that arrangements have been made for all essential services and infrastructure to be provided when required and at no additional cost to government (including the relevant Council and the NSW Government) and utilities authorities."

The lack of sewer utility connection is also contrary to Clause 4.49 of SEPP (Precincts – Western Parkland City) 2021.

Council would note that as the consent authority, the Department must be satisfied that a sewer connection will be available when required.

Additional commentary in relation to Traffic and Transportation (road provision) will follow.

(b) General Comments

I would note that a full and detailed assessment of the proposal in accordance with the precinct has not been undertaken and this response is by way of general comment having briefly reviewed the proposed plans and the information provided by the proponent (Luddenham Advanced Resource Recovery Centre - Response to Request for

Additional Information (RFI - 11032022)) in your e-mail dated 13/5/2022. Should you require further detailed comment from Council, it would be helpful if the proponent could arrange for a time for the site to be inspected and that supporting information/amendments be provided in response to the issues raised in this correspondence.

The following comments are provided in relation to the Precinct Plan, in response to the (attached) proponents response to the RFI:

Final Precinct Plan objective	Claimed ARRC consistency with final objective	Council comment
The Agribusiness Precinct is on the western edge of the Western Sydney Airport, and framed by the proposed Outer Sydney Orbital. The Precinct offers key access points to the Airport, allowing the development of agribusiness uses which could include integrated logistics, air freight, integrated intensive production, food innovation, fresh product and value-added food — pharmaceuticals. Development in the Precinct will build on the existing topography and natural features. Open spaces have been identified in strategic locations to protect creek corridors and areas of high biodiversity significance, and to improve access to open space for residents in Luddenham Village. Access and connection with Country will be facilitated and encouraged to enable opportunities for recreation, education, employment and business. The Precinct will build on successful agricultural operations and develop new agribusiness opportunities while protecting and embracing important vegetation within the landscape. This includes the development of integrated food and supply chain-related industries particularly those that rely on the skills of the growing population in the Western Parkland City. These industries will generate employment opportunities in high technology agriculture with customer-centric digitally enhanced systems, processes and platforms to enable rapid distribution connections to the broader road freight supply chain in Greater Sydney. The Precinct will provide opportunities for education and tourism.	Not addressed in RFI response	The proposal is not consistent with the vision for the Agribusiness precinct under Chapter 2.6 of the Precinct Plan in terms of the following: (a) The use is not a permitted use in the zone (b) The use is not compatible with identified uses for the zone of integrated logistics, air freight, integrated intensive production, food innovation, fresh product and value-added food – pharmaceuticals (c) The proposal seeks extensive earthworks (both cut and fill) that is not in accordance with the vision to build on the existing topography and natural features. (d) From (c) above, the proposal fails to connect to country and does not respond to the existing topography and riparian areas on the site (e) Insufficient response in relation to the rehabilitation of the riparian area has been provided. (f) The proposal does not provide opportunities for employment within high technology agriculture (g) The proposal does not provide opportunities for education an tourism in relation to high technology agriculture and associated uses
2.6 01 Enable fresh and value-added food	Not addressed in RFI	Not achieved
production with access to local and global	response	

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DS4 Development does not result in isolated areas requiring out of sequence servicing by transport networks, utilities and services, or at additional cost to government or utility agencies.	Not addressed in RFI response	Not achieved
DS5 The road network proposed as part of development applications is to be consistent with the Street Hierarchy Map at Figure 9, or temporary arrangements must be made with agreement of the relevant Roads Authority.	Not addressed in RFI response	See comment from Council's Traffic and Transport section
3.3 Out of Sequence Development Where a developer proposes to develop land that is within Priority Area 2 or Priority Area 3, or in parts of Priority Area 1 where essential infrastructure is not yet available or planned to be provided when required to service development, the consent authority is required, in consultation with utilities providers and Transport for NSW, to determine whether consent can be granted with reference to the requirements below.	Not addressed in RFI response	TfNSW and Utilities providers to comment.
OSO1 To enable development that does not yet have access to essential infrastructure to proceed where an applicant proposes to deliver essential infrastructure.	Not addressed in RFI response	The proponent is to demonstrate that required infrastructure will be provided at their cost where this infrastructure is required out of sequence.
OSO2 To avoid additional and inefficient costs to government and utilities providers arising from development that does not align with the planned delivery of infrastructure.	Not addressed in RFI response	See point OS01 above
OSO3 To ensure that out of sequence development does not unduly impact the orderly and efficient development of other land.	Not addressed in RFI response	See Council comment under DS2 above
OS1 Where a development application proposes development that does not meet the Requirements of Section 3.1, the applicant is required to demonstrate, to the satisfaction of the consent authority, that arrangements have been made for all essential services and infrastructure to be provided when required and at no additional cost to government (including the relevant Council and the NSW Government) and utilities authorities.	Not addressed in RFI response	These arrangements must be demonstrated prior to determination.
OS2 Applicants for development under Requirement OS1 must provide, as part of the development application, confirmation from utilities providers including Sydney Water and infrastructure delivery agencies including the relevant Council and Transport for NSW that: a) planned servicing and infrastructure provision will be in place to support development; and b) the development is capable of connecting to and integrating with existing or planned services and infrastructure.	Not addressed in RFI response	See point OS1 above

OS3 Applicants for development under Requirement OS1 must demonstrate, to the satisfaction of the consent authority, that out of sequence development does not unreasonably impact on the ability of adjoining or nearby land owners to develop their land in accordance with the Precinct Plan, or result in unreasonable impacts on the environment of adjoining land.	Not addressed in RFI response	This requirement may not be able to be achieved on the basis that the proposed use is neither permissible or compatible with adjoining permitted (and existing) uses in the agribusiness zone.
4.1 Proposed Land Use and Structure Plan The map showing proposed land uses, as required by the Aerotropolis SEPP, is at Figure 3. The Proposed Land Use Plan provides the overall layout of development, areas of open space and environmental value, transport and stormwater infrastructure for the land to which this Plan applies.	Not addressed in RFI response	The Land Use and Structure Plan must be addressed.
LUO2 A blue-green framework is delivered as development occurs that: • Provides access to open space that meets the needs of workers and residents, students and visitors • Preserves significant natural features including watercourses and remnant vegetation • Accommodates infrastructure required to manage the flooding and water quality impacts of development • Respects and enhances Aboriginal cultural heritage and archaeology and maximises opportunities to connect with Country	Not addressed in RFI response	Significant design detail is required in relation to this requirement. Opportunities exist for employees of the agribusiness zone to access the creek and associated riparian areas. The rehabilitation of vegetation/habitat within riparian areas and the provision of a design that doesn't "turn its back" on the creek is encouraged. The provision of a design that utilises the existing topography and addresses the creek is to be encouraged. The current design does not satisfy these requirements.
LU1 The types and densities of land uses are to be consistent with the Land Use Plan at Figure 3. Key land use terms used in the Land Use Plan are described in the Glossary.	Not addressed in RFI response	The proposal does not satisfy this requirement as it is not an agribusiness use.
LU4 Connect ridgelines to watercourses through linear streets that maintain and enhance visual connections, integrate canopy cover, deep soil, landscaping and water management.	Not addressed in RFI response	The design must address this requirement
LU6 Provide for high quality architectural and design outcomes which respond to topography and site characteristics.	Not addressed in RFI response	As indicated above, the current design does not respond to the existing topography of the site and proposed extensive cut and fill across the site. The design should be amended to respond to topography and site characteristics.
4.2 Subdivision and Block Structure A sustainable walkable precinct structure requires subdivision patterns and block sizes that facilitate active transport. The subdivision pattern has to facilitate efficient public and active transport routes between destinations. A 'finer grain' block pattern is required in areas of high pedestrian activity in particular areas close	Not addressed in RFI response	The proponent is to demonstrate how the proposal will enable the requirement of this section of the precinct plan to be satisfied. It is recognised that subdivision is not proposed as part of the current application, however the layout of

to mass transit hubs, such as centres, and high-density employment and mixed-use areas. Larger block patterns are required in the Enterprise and Agribusiness Zone to accommodate larger format employment generating and industrial uses.		the development must consider future subdivision requirements.
SU2 Block structures and the road network are designed to respond to the natural topography and the flow of water in the landscape, including measures to appropriately manage overland flow and localised flooding of properties.	Not addressed in RFI response	As detailed above, the design must respond to the existing topography of the site.
A.3 Aboriginal Culture and Heritage – Recognising Country The Aerotropolis encompasses cultural landscapes, historical archaeological remains, and places of Aboriginal cultural heritage significance that are a basis for connecting the development of the land to Country. Intangible cultural heritage values exist such as stories, knowledge and practices associated with the land. The cultural framework is varied, with cultural connections and conflict histories. The Precinct Plan embodies design principles that reinforce connections to Country and seek to respect and acknowledge the importance of the area to communities including Aboriginal peoples. Developments and projects are to promote opportunities to connect with, design with and care for Country. While there are existing legislative requirements and processes for Aboriginal Heritage assessment, other requirements related to 'Recognising Country' are intended to compliment them to embed, enhance and celebrate cultural values and practices within built form and landscape, as well as promoting and revitalising Aboriginal Languages. Starting with Country and bringing Recognise Country elements to developments and projects will explore the opportunity of seeing Country and culture as part of the building environment, creating places that will deliver long term sustainability and elevate outcomes based on the world's oldest living	Not addressed in RFI response	Recognising Country embodies design principles that reinforce connections to Country that identifies Country and culture as part of the building environment, creating places that will deliver long term sustainability. The design is to be amended and is to respond to country by demonstrating that the proposal has considered the existing topography, landscape and riparian areas.
culture. RCO3 Ensure development is designed to care for and connect to Country.	Not addressed in RFI response	See 4.3 above
RC1 Development applications are to retain access to and connect significant Aboriginal heritage and areas of cultural value, conservation corridors and other identified areas of significant Aboriginal heritage.	01 'Start with Country' by promoting access to Country and designing the Aerotropolis through a process that includes Aboriginal people.	Starting with Country is not limited to an archaeological search for artifacts. See 4.3 in the row above.

	Consultation with the local Aboriginal community was carried out as part of the Aboriginal cultural heritage assessment (ACHA) which informed the EIS. ACHA identified the distribution of the artefacts identified during the test excavation program were 'sparse' and 'random' and therefore suggests the area was occupied occasionally with nearby creeks providing more reliable water sources than the ARRC site. Artefacts identified will be kept at the Gandangara Local Aboriginal Land Council Keeping Place.	
4.5 Blue-Green Infrastructure Framework The Blue-Green Infrastructure Framework integrates the blue and green systems of the waterways, riparian areas, bushland, open spaces, tree canopy and private gardens, and includes stormwater and water quality management, public and private recreation opportunities.	Not addressed in RFI response	This chapter of the precinct plan must be addressed by the proponent.
BGO1 To integrate blue and green systems across the Aerotropolis for water quality management, biodiversity and recreation.	Not addressed in RFI response	This must be addressed by the proponent.
BG1 Development is to contribute to the establishment of the blue-green infrastructure framework for the Aerotropolis in accordance with Figure 5.	Not addressed in RFI response	This must be addressed by the proponent.
A total water cycle management outcome has been developed in consultation with Sydney Water as required by the Aerotropolis SEPP and is documented in the Stormwater and Water Cycle Management Study (Sydney Water 2021) and is implemented through this Precinct Plan. The Aerotropolis SEPP and Figure 6 below identifies the land required to support a regional stormwater network, to be managed by Sydney Water. The objective of total water cycle management is to integrate and manage	Not addressed in RFI response	This chapter of the precinct plan must be addressed by the proponent.

each element of the water cycle and design and deliver infrastructure in a way which supports this integration and management. For this Precinct Plan, it means a shift towards retaining water in the landscape through stormwater harvesting, the movement of water through naturalised water assets and the use of recycled water for open space and streetscape irrigation. The Wianamatta-South Creek catchment is the most degraded catchment in the Hawkesbury-Nepean River system due to historical vegetation clearing, agriculture and urbanisation. Increased urbanisation will further degrade the waterways if stormwater, wastewater and flooding regimes are not managed upfront through an integrated ecosystem approach. This approach requires the waterways and hydrological cycle to be central considerations in both land use and water infrastructure planning.		
BGO1 Protect, maintain and/or restore waterways, riparian corridors, water bodies and other water dependent ecosystems	Not addressed in RFI response	How is the riparian corridor and waterway proposed to be restored?
BGO2 Provide a landscape-led approach to integrated stormwater management and water sensitive urban design.	Not addressed in RFI response	Must be addressed
BGO3 Establish a network of multifunctional stormwater assets that support stormwater management and contribute to broader objectives for waterway health, biodiversity, urban greening and cooling, recreation and amenity.	Not addressed in RFI response	How is this to be achieved both as part of the current proposal and in terms of the ongoing use of the site? The proponent is to address how waterways and riparian areas are to be managed and if, following remediation and rehabilitation of this area if the creek and associated riparian area is to be dedicated to the regional stormwater authority.
BG1 Development applications are to demonstrate how the following performance criteria for ambient water quality objectives for waterways and waterbodies are to be met either by: a) On-lot or on-street measures; or b) As part of a regional stormwater approach demonstrating that the development will connect to the stormwater infrastructure shown on Figure 6. Performance Criteria relating to water quality objectives: *Total Nitrogen (TN, mg/L) 1.72 Dissolved Inorganic Nitrogen (DIN, mg/L) 0.74 Ammonia (NH3 -N, mg/L) 0.08 Oxidised Nitrogen (NOx, mg/L) 0.66 *Total Phosphorus (TP, mg/L) 0.14 Dissolved Inorganic Phosphorus (DIP, mg/L) 0.04 Turbidity (NTU) 50 Total Suspended Solids (TSS, mg/L) 37 27 Conductivity (μS/cm) 1103 pH 6.20 - 7.60	Not addressed in RFI response	This must be addressed

Dissolved Oxygen (DO, %SAT) 43 - 75 Dissolved Oxygen (DO, mg/L) 8 * when showing compliance towards TN and TP through industry models, the DIN and DIP performance criteria should be used to recognise that stormwater discharges of nutrients are mostly in dissolved form BG2 Development applications are to demonstrate how the following performance criteria relating to water flow objectives are to be met either by: a) On-lot or on-street measures; or b) As part of a regional stormwater approach demonstrating that the development will connect to stormwater infrastructure shown on	Not addressed in RFI response	This must be addressed
Figure 6. (note see Precinct Plan page 27) BG4 Compliance with the ambient water quality and flow objectives must be consistent with the NSW Government Technical guidance for achieving Wianamatta-South Creek stormwater management targets (DPIE, 2022).	Not addressed in RFI response	This must be addressed
BG5 Multifunctional stormwater assets are to be located generally as shown on Figure 6.	Not addressed in RFI response	This must be addressed
BG6 Multifunctional stormwater assets are to integrate with the Open Space Network to support multifunctional open space areas for recreation, urban cooling and water management.	Not addressed in RFI response	This must be addressed
BG7 The multifunctional detention basins (as shown on Figure 6) are to be designed in accordance with the regional stormwater management strategy and recycled water network developed by the relevant stormwater authority.	Not addressed in RFI response	This must be addressed
4.5.2 Riparian corridors	Not addressed in RFI response	The entirety of this chapter of the precinct plan must be addressed
The protection, restoration and maintenance of riparian corridors, including waterways and water dependent ecosystems is essential in achieving the cultural, social and biodiversity aspirations as well as tree canopy targets of the Western Parkland City.		
4.5.3 Public domain and canopy cover	Not addressed in RFI	The entirety of this chapter of the precinct plan must be addressed

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the Cumberland Plain. This part of the Precinct		
Plan includes a range of mechanisms to		
encourage the delivery of open space and		
conservation of heritage and biodiversity values		
in association with development.		
4.5.4 Biodiversity and vegetation corridors	Not addressed in RFI	The entirety of this chapter of the
	response	precinct plan must be addressed
Cumberland Plain Woodland is present across		
the Aerotropolis, which is a Critically		
Endangered Ecological Community under the		
Biodiversity Conservation Act 2016 (NSW) and		
Critically Endangered under the Environment		
Protection and Biodiversity Conservation Act		
1999 (Commonwealth). Land to the south of		
Elizabeth Drive in the Badgerys Creek and		
Wianamatta-South Creek Precincts and all the		
Aerotropolis Core Precinct is subject to precinct		
planning requirements of the Order to confer		
biodiversity certification on the State		
Environmental Planning Policy (Sydney Region		
Growth Centres) 2006. The Relevant		
Biodiversity Measures include a requirement to		
protect 2,000 hectares of Existing Native		
Vegetation (ENV) in the Growth Centres. 67.31		
hectares of ENV Validated land needs to be		
protected within land subject to this Precinct		
Plan.		
4.5.5 Scenic and cultural connection	Not addressed in RFI	The entirety of this chapter of the
	response	precinct plan must be addressed
4.6 Movement Framework	Not addressed in RFI	The entirety of this chapter of the
	response	precinct plan must be addressed
Planning for land uses needs to be balanced		
against different customer requirements to		
develop a cohesive transport framework, across		
all modes, that caters for all users. This balance		
of strategic and local travel demands will		
facilitate sustainable patterns of movement and		
mobility.		
4.7 Sustainability and Resilience	Not addressed in RFI	The entirety of this chapter of the
Jastaniaamity and neomente	response	precinct plan must be addressed
5 Land Use and Built Form	Not addressed in RFI	The relevant sections of this chapter
5 Land OSC and Dant Form	response	of the precinct plan must be
	response	addressed
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(2) How the proposal should be decommissioned/transitioned to uses consistent with the agribusiness zone

The design of the proposed buildings should be capable of adaptive reuse following the decommissioning of the waste resource facility. This would require the initial design of the proposal to utilise existing topography when providing access roads, parking and circulation areas and building footprints. Cut and fill should be limited to within building footprints and buildings should address all roads and public land, including the riparian area and creek to the east. The table provided in point (1) above provides a summary of the required design considerations under the precinct plan that must be addressed by the proponent in this regard.

Additionally, as part of the decommissioning/transitioning to uses consistent with the agribusiness zone the site must be demonstrated to be in accordance with Chapter 4 of SEPP (Resilience and Hazards) 2021 in relation to site contamination.

(3) Development Contributions and Special Infrastructure contributions

A Development Contribution plan has not yet been approved for the Western Sydney Aerotropolis. In accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2021 (which replaces former clauses 270, 270A and 271 of the Environmental Planning and Assessment Regulation 2000) the proposal cannot be determined until a contributions plan is in place. As discussed in our meeting this afternoon, I am advised that the Contributions Plan is scheduled for finalisation in August.

The Special Infrastructure Contribution payable for the development should be in accordance with "Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022." This determination is considered to apply as Clause 7(1) relates to the required payment of an SIC on "land that when development consent for the development is granted, is rezoned land within the Western Sydney Aerotropolis Special Contributions Area."

Hopefully this information is of some assistance. Should you require any additional comment, please let me know.

I hope you are keeping well.

Regards,

Peter Nelson

Principal Strategic Planner



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From: Jeffrey Peng <Jeffrey.Peng@planning.nsw.gov.au>

Sent: Friday, 13 May 2022 1:02 PM

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Cc: Peter Nelson < NelsonP@liverpool.nsw.gov.au >; Chris Ritchie < Chris.Ritchie@planning.nsw.gov.au > **Subject:** Proposed Luddenham resource recovery facility (SSD-10446)

Hi All,

Please find attached the Applicant's draft responses in relation to precinct plan objectives and Council's advice letter (Your Ref: SSD1-1/2020/B).

The following agenda is proposed for this meeting:

• Precinct Plan objectives and requirements, in particular around 'Out of Sequence Development' (see attached)

- How enabling industries should be decommissioned/transitioned to uses that are consistent with the vision of the agribusiness zone (see advice under 'Permissibility of the Development' here)
- Development / Special infrastructure contributions

Jeffrey Peng

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I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

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