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Department of Infrastructure, Transport,
Regional Development and Communications

Sally Munk
Principal Planning Officer
Industry Assessments
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Munk

Eastern Creek Energy from Waste Facility – Response to the amended proposal

Thank you for your email of 23 July 2020 seeking input from the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on the proposed Eastern Creek Energy from Waste Facility located at Part Lots 1 & 2 and Lot 3 in DP1145808 at Eastern Creek.

I note 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 (SSD) under the *Environmental Planning and Assessment Act 1979*, and the Department will have an opportunity to provide further comments through the EIS process at a later stage. We note the Proponent's original application (SSD 6236) for an energy waste facility was refused by the Independent Planning Commission in July 2018 and that the amended application comprises a smaller scale facility as a new SSD application.

The subject site is located in the vicinity of the Western Sydney International (Nancy-Bird Walton) Airport (the Airport) Site. 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.

The Proponent should demonstrate reasonable consideration of the potential impacts of the proposed development on airport operations. This assessment is essential to informing balanced and coherent planning and development outcomes around the Airport Site.

Attached is a 2018 letter from the Department highlighting the issues relating to the previous iteration of the proposed development on the Airport's protected airspace. The items raised in the attached letter ([Attachment A](#)) remain relevant to the proposed development and are required to be addressed.

We note that the Western Sydney Aerotropolis Planning Package also indicates that certain planning controls may impact on developments outside of the Aerotropolis that may impact on the airport safeguarding and airport protection. It is recommended these are addressed in any submission.

The scoping report does not appear to include details of an assessment, or a commitment to assess, the proposed development against the principles and guidelines of the National Airport Safeguarding Framework (NASF). An assessment against the principles and guidelines of the NASF would ensure

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that any potential impacts of the proposed development on airport operations have been considered and managed or mitigated, where appropriate.

The Department recommends the Proponent provide a comprehensive assessment of the proposed development against each of the NASF guidelines. Further information on the NASF is available at the following link:

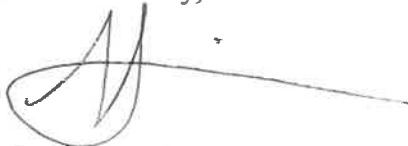
https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/nasf_principles_guidelines.aspx.

While the proposed facility is not on the Airport Site, the development could consider the airport regulatory framework, including the Airport Plan 2016; Airport (Environmental Protection) Regulations; and Construction Environmental Management Plans (CEMPs). For a development of this scale, the Proponent should consider cumulative impacts of developments in the area, for example for air quality and water quality and management.

In addition to the above, I am informed that the Airport Operator has also provided comments to DPIE on the proposed development. The Department requests the Proponent give due regard to any matters raised by the Airport Operator.

Thank you again for providing the Department the opportunity to input into DPIE's SEARs for the proposed Eastern Creek Energy from Waste Facility. If you require any further information, please contact me on 02 6274 7855 or via email: sarah.leeming@infrastructure.gov.au.

Yours sincerely,



Sarah Leeming
Assistant Secretary
Regulatory, Environmental and Stakeholder Engagement Branch
Major Transport and Infrastructure Projects Division

6 August 2020

Attachment

A Letter response to submissions and amended proposal (February 2018).



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Department of Infrastructure, Regional Development and Cities

Mr Chris Ritchie
Director, Industry Assessments
Department of Planning and Environment
GPA Box 39
SYDNEY NSW 2001

Dear Mr Ritchie

Subject: Eastern Creek Energy from Waste Facility – Response to Submissions and amended proposal

Thank you for your referral of the Response to Submissions and amended proposal for the proposed Energy from Waste Facility at Eastern Creek.

As you may be aware, the Department of Infrastructure, Regional Development and Cities (the Department) has previously provided comments on the EIS for the proposed development of the Energy from Waste Facility at Eastern Creek, on 16 March and 24 July 2015 and 9 March 2017. At this time, the Department requested that the EIS for the development give regard to obstacles to aircraft overhead, the attraction of wildlife, any other potential hazards for aircraft operations and the cumulative impacts associated with significant development occurring in Western Sydney. We appreciate this further opportunity to provide feedback on the amended proposal and Response to Submissions.

The Obstacle Limitation Surface (OLS) for the Western Sydney Airport was declared as prescribed airspace under the airspace protection provisions of the *Airports Act 1996* on 19 October 2017. The airspace protection arrangements will place a responsibility on landholders, developers and land planning authorities across Western Sydney to consider the height of the OLS when planning new developments. Any activity resulting in an intrusion into protected airspace, such as a tall building or industrial plume, is classified as a controlled activity, and must be approved by the Department before it is carried out.

The Department notes that intrusions into protected airspace of the Western Sydney Airport have been considered in the amended EIS. The declared OLS will extend over the Eastern Creek site at a height of 230.5 metres Australian Height Datum (AHD). I note that an updated Plume Rise Assessment, carried out by Ramboll Environ in September 2017, was completed to reflect changes to the proposal for the Energy from Waste Facility and that this assessment indicates that the emissions from this development would not penetrate the WSA OLS. I also note the comments provided by the Civil Aviation Safety Authority and

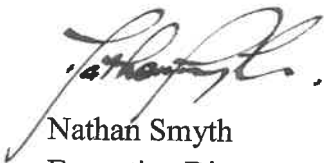
Airservices Australia in February 2016 and December 2015 respectively. Based on this assessment, approval as a controlled activity would not be required, however should further changes to the proposed emission design parameters for the facility occur, the proponent should notify the Department as early as possible and a revised plume rise assessment may be required.

Further information about the OLS is available on the WSA website at <http://westernsydneyairport.gov.au/>.

The Department previously advised that consideration should be given to Guideline C, Managing the Risk of Wildlife Strikes in the Vicinity of Airports, of the National Airport Safeguarding Framework. I would like to reiterate these comments and note that ongoing monitoring activities should occur to confirm that there will not be an increased risk of bird and wildlife strike incidents, and assist in the development of future mitigation measures to reduce the risk of wildlife attraction, if required.

If you have any questions regarding the Department's feedback on the amended proposal and RTS for the proposed Energy from Waste Facility, please do not hesitate to contact Natalie Broughton, Director, Land Use and Planning Team, on 02 6274 6268.

Yours sincerely



Nathan Smyth
Executive Director
Western Sydney Unit

 February 2018