

TECHNICAL MEMORANDUM

DATE 1 February 2021

Project No. 18109467-031-RevA Request to Amend SEARs

TO Shaun Williams, Department of Planning, Industry and Environment

CC Jacinta McMahon; Terry Martin

FROM Todd Robinson

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SEARS SSD 9540 AMENDMENT REQUEST

To Shaun Williams,

Secretary's Environmental Assessment Requirements (SEARs) Brandown Resource Recovery Facility (SSD 9540) were received from the Department of Planning and Environment dated 13 February 2019 in response to Scoping Report (18101601-002-R0-Rev3). This is a request to amend and extend the application of SEARs SSD 9540 timeline for the Brandown Resource Recovery Facility (the Project), located at Lot 90, DP 1101411, Kemps Creek (the Site).

Brandown Pty Ltd request an extension and amendment to SEARs SSD 9540 for the following reasons:

- **M12 route corridor:** The Environmental Impact Statement (EIS) for the M12 discussing the route corridor was submitted in late 2019 with an amendment report for this project on public exhibition until November 2020. The route corridor is located to the immediate North of the Site and has a material impact upon the existing operations of the Site and the Project subject to SSD 9540. Without clear finalisation of the route corridor, it was considered that the SEARs for SSD 9540 could not be addressed adequately.
- **Planning Controls:** In addition to the M12, the area surrounding the Site is undergoing rapid change including the Western Sydney International Airport, the Western Sydney Aerotropolis, Western Parkland City, upgrade of Elizabeth Drive. This has resulted in change to the planning controls for the Site (E.g. zoning (from RU4 to ENZ "Environment and Recreation") and related controls within the Site has been changed in accordance with *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*, commencing 1 October 2020) and the surrounding area (including the area to the North of the Site subject to a planning amendment to rezone the site from RU4 to IN2). Further planning controls and policy related to the project subject to SSD 9540 have also been refined by Department of Planning and the EPA since issue of SSD 9540, resulting in the need to further consider the project description subject to SSD 9540. For example, the Site was included within the Department of Planning and Environment (2018) "Western Sydney Aerotropolis – Land Use and Infrastructure Implementation Plan – Stage 1: Initial Precincts", but the boundary for the Aerotropolis was subsequently amended by the Aerotropolis SEPP to only include the South West corner of the Site.
- **Planning Proposal:** Taking into consideration the change to the planning controls of the Site and the surrounding area, the scale and type of these developments that are both approved and currently under assessment, and further policy guidance of the land use proposed by the Project subject to SSD 9540, Brandown has been required to delay delivery of the EIS to ensure appropriate assessment under SSD

9540. Furthermore, the Site and the adjacent Lot 91 DP 1101411 are to be subject to a future planning proposal to rezone the Site and Lot 91 DP 1101411 from RU4 Primary Production Small Lots to IN3 Heavy Industrial. While this is unlikely to impact upon the permissibility of the project subject to SSD 9540 it has resulted in further delay.

- **Requirement for Biodiversity Development Assessment Report:** In addition, it has been identified that the proposed development subject to SSD 9540 is Biodiversity certified under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. As such, under the *Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and pursuant to Section 126I of the *Threatened Species Act 1995* and under Part 8 of the *Biodiversity Conservation Act 2016* (BC Act), assessment of threatened biota within areas mapped as certified under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* is not required against the BC Act or Commonwealth EPBC Act. Consequently, a Biodiversity Development Assessment Report (BDAR) is considered not to be required as currently identified within the SEARs for SSD 9540. We would therefore request that the requirement for a BDAR be removed from the SEARs for SSD 9540.

If required, further reasons are available for discussion as to why we would request that the SEARs be extended/amended but consider the above sufficient justification. Please advise of further information required and/or next steps required in this process to amend SEARs SSD 9540.

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TR/JM/tr

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