

08 March 2021

Shaun Williams, Senior Environmental Planning Assessment Officer
Department of Planning, Industry and Environment

Via email: Shaun.Williams@planning.nsw.gov.au

Dear Mr Williams

Amended SEARs: Brandown Resource Recovery Facility - SSD-9540 at Elizabeth Drive, Kemps Creek

Thank you for the opportunity to comment on the request to amend the Secretary's Environmental Assessment Requirements (SEARs) for the construction of new resource recovery infrastructure (the proposal) at the Brandown Resource Recovery Facility located at Lot 90 DP 1101411, Elizabeth Drive, Kemps Creek.

The Western Sydney Planning Partnership (the Partnership), in September 2020, finalised Western Sydney Aerotropolis Planning Package, with the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Aerotropolis SEPP) commencing on 1 October 2020.

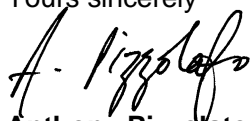
It is requested that the NSW Department of Planning, Industry and Environment consider the matters in **Attachment 1** when issuing the revised SEARs for the proposed development at the subject site.

In summary, the Partnership notes that a small part of the south-western corner of the site is located within the Western Sydney Aerotropolis. This area of the subject site is part zoned Environment and Recreation under the Aerotropolis SEPP and part 'deferred' as shown in Figure 1. The Partnership is of the view the proposal is not in keeping with the objectives and desired outcomes of the Environment and Recreation zone, with the proposed use being a prohibited land use in the subject zone. The part of the site identified as 'deferred', being a non-initial precinct within the Aerotropolis, remains as zoned under the Liverpool Local Environmental Plan, with the relevant controls of that plan applicable.

The Partnership acknowledges that the Proponent is seeking approval under existing use rights provisions. Notwithstanding, the Partnership discourages the proposed use in the Environment and Recreation zoned portion of the site. Other planning controls that should be considered and apply to the site (within the Aerotropolis SEPP) are: Clause 26 (Flood Planning) and Clause 27 (Preservation of trees and vegetation in the Environment and Recreation Zone and Cumberland Plain. The proposal will also need to address the relevant Airport Safeguarding provisions of the Aerotropolis SEPP, including Clause 21 (Wildlife Hazards), given the site is partially within the 13km radius of the Airport, and Clause 24 (Airspace Operations). Consideration should also be given to the relevant National Airports Safeguarding Framework (NASF) guidelines, as detailed in **Attachment 1**.

I trust this information has been of assistance. If you have any more questions, please contact Krishti Akhter, Senior Planning Officer, Planning Partnership Office on 9860 1565 or via email at krishti.akhter@planning.nsw.gov.au.

Yours sincerely



Anthony Pizzofato
Manager, Planning Partnership/Aerotropolis
Western Sydney Planning Partnership

ATTACHMENT 1 – DETAILED COMMENTS FROM THE PLANNING PARTNERSHIP

1) Strategic Planning Context

On 11 September 2020, the Western Sydney Aerotropolis Planning 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

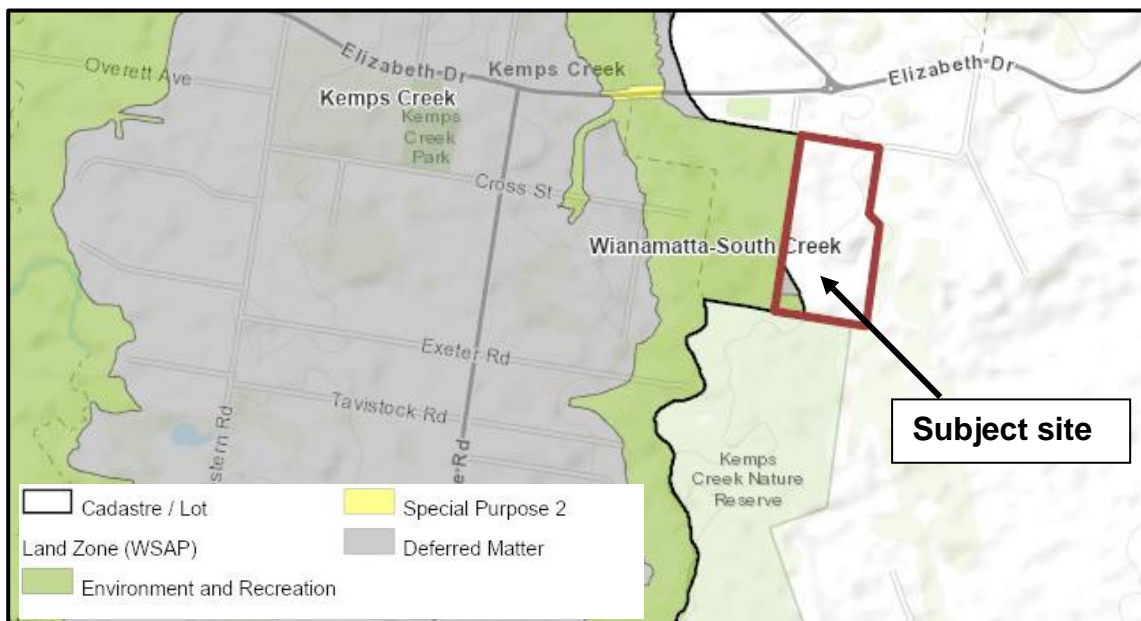
As depicted in Figure 1 below, the subject site is partially located within the Western Sydney Aerotropolis Growth Area.

2) Application assessed against the Aerotropolis State Environmental Planning Policy

a) Zoning

The subject site is partially located within the Wianamatta-South Creek Precinct and this portion of the site is zoned Environment and Recreation, as shown in **Figure 1**.

Figure 1: Location of subject site and zoning under the Aerotropolis SEPP



Resource Recovery Facilities are a prohibited land use in the Environment and Recreation zone. The Partnership is of the view the proposed use is not in keeping with the objectives and desired outcomes of the Environment and Recreation zone and, therefore, any encroachment of the use into the Environment and Recreation zone is not supported.

However, given that the portion of the site zoned Environment and Recreation is only a small portion of the site at the south-west corner, it is recommended the Proponent provide an overlay to demonstrate how the proposed development relates to the Environment and Recreation zone. The Partnership strongly discourages the location of infrastructure and any site operations located within the Environment and Recreation zoned portion of the site.

b) Clause 26 – Flood Planning

The part of the site within the Aerotropolis (including other parts of the site) is partially affected by the 1% AEP flood area and is identified in the Flood Planning Map of the Aerotropolis SEPP. As such, the proposal will need to address Clause 26 of the Aerotropolis SEPP.

c) Clause 27 – Preservation of trees and vegetation in the Environment and Recreation Zone

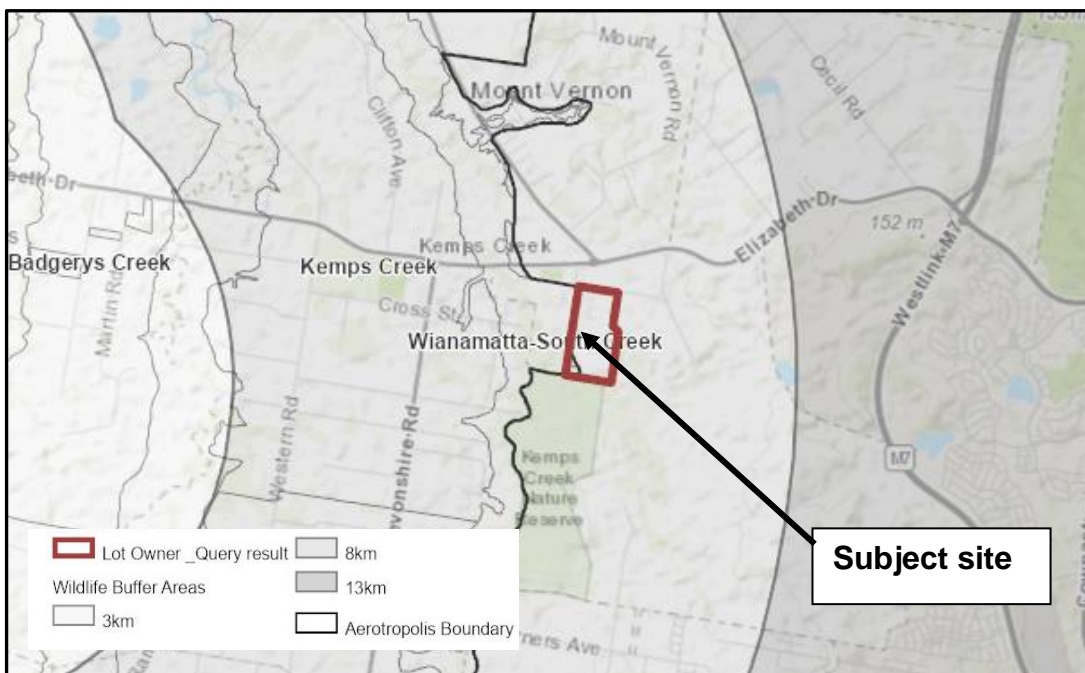
The part of the site zoned as Environment and Recreation has land identified as having high biodiversity value and is identified in the High Biodiversity Value Areas Map of the Aerotropolis SEPP. As such, the proposal will need to address clause 27 of the Aerotropolis SEPP.

d) Airport Safeguarding Provisions of the Aerotropolis SEPP

A number of Airport Safeguarding provisions of the Aerotropolis SEPP will need to be considered by the proposal. These are:

- i) **Clause 21 – Wildlife Hazards** – As the site is located within the 8km radius of the Western Sydney Airport (refer to **Figure 2**), the proposal will need to address Clause 21 – Wildlife Hazards of the Aerotropolis SEPP. (Also refer below to comments relating to Guideline C of the National Airports Safeguarding Framework (NASF).
- ii) **Clause 24 - Airspace operations** – As the site is within the Obstacle Limitation Surface (OLS), the proposal should address Clause 24-Airspace Operations of the Aerotropolis SEPP to ensure the proposed development will not penetrate the prescribed airspace for the Airport. Consultation should also occur with the relevant Commonwealth body. (Also refer below to comments relating to Guideline F – Managing the Risk of Intrusions into the Protected Airspace of Airports).

Figure 2: Wildlife buffer map



3) National Airports Safeguarding Framework (NASF) Guidelines

Due to the proximity of the site to the Airport, the NASF Guidelines should be considered in the assessment. The NASF Guidelines provides decision makers guidance to manage the compatibility to uses around airports. The Partnership provides a high level assessment of the proposal against the NASF Guidelines below, however the Proponent should undertake a more detailed assessment of the

proposal against the NSAF Guidelines and contact the Western Sydney Airport and other relevant Commonwealth bodies to seek further advice as required.

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

As the subject site being located within the 13km radius of the Airport, the proposal should assess the proposal against Guideline C – Managing Wildlife Strike Risk of the of the NASF.

The proposed resource recovery facility is also listed as a wildlife attraction risk land use in Attachment 1 of Guideline C - Managing Wildlife Strike Risk of the NASF. The proposed use is a non-putrescible waste facility, which requires the proponent to mitigate the risk for development within an 8km radius of the Airport. Any landscaping species being planted should be on the proviso they do not attract wildlife or grow to a size which will penetrate the OLS.

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. Consultation with the Civil Aviation Safety Authority should occur if lighting (e.g. construction lighting) may be a concern to airport operations.

NASF Guideline F – Managing the Risk of Intrusions into the Protected Airspace of Airports

As the subject site is within the land identified within the OLS, the proponent should consider NASF Guideline F – Managing the Risk of Intrusions into the Protected Airspace of Airports. The Proponent should consult with the relevant Commonwealth bodies to confirm that the proposal will not cause a risk to aviation safety.

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 the PSA for the Airport.

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