



Australian Government

Department of Infrastructure and Regional Development

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 – Amended Environmental Impact Statement

Thank you for your referral of the Amended Environmental Impact Statement (EIS) for the proposed Energy from Waste Facility at Eastern Creek. I regret the delay in responding with comments to the EIS.

As you may be aware, the Department of Infrastructure and Regional Development (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. At that time, the Department requested that the EIS give regard to obstacles to aircraft overhead and in the vicinity, 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 EIS and note that the EIS has addressed areas of previous concern for the Department.

Since we last corresponded on the proposed development, the Western Sydney Airport Environmental Impact Statement (EIS) has been finalised. The finalised EIS is a comprehensive assessment that provides an accurate and contemporary picture of the airport site at Badgerys Creek and the surrounding region. It is the culmination of over 700 field studies and 19 technical reports, along with the input received from the community in the form of nearly 5,000 submissions. Following the EIS process, the Airport Plan for Western Sydney Airport was determined on 5 December 2016 by the Minister for Urban Infrastructure, the Hon Paul Fletcher MP. Over 40 strict environmental conditions were placed on the Airport Plan by the Minister for the Environment and Energy, the Hon Josh Frydenberg MP, which will guide the development of the first stage of the proposed airport. These conditions require measures to avoid, reduce or mitigate impacts related to the Stage 1 airport development, reflecting the Environmental Management Framework contained within Chapter 28 of the EIS along with other conditions.

Since the Airport Plan was determined in December 2016, the Department has commenced work on a number of conditions that it is directly responsible for implementing, such as the airspace design process, biodiversity activities and the aviation fuel supply corridor options report. We are also progressing other planning and preparatory activities in collaboration with other colleagues in our Department. This includes the protection of future operational airspace immediately above and around the airport site from unwanted encroachment, which will provide certainty to local councils and planning authorities to incorporate the protected airspace into their land use planning instruments.

The Department notes that intrusions into protected airspace of the future Western Sydney Airport has been considered in the amended EIS for the proposed Energy from Waste Facility. The Department expects to formally declare the Obstacle Limitation Surface (OLS) for WSA as prescribed airspace under the airspace protection provisions of the *Airports Act 1996* in the coming months. The OLS design is expected to be unchanged from that displayed in the draft Airport Plan in 2015 and the determined Airport Plan of December 2016. 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 proposed OLS, as is described in the Airport Plan for WSA, will extend over the Eastern Creek site at a height of 230.5 metres Australian Height Datum (AHD). I understand that a Plume Rise Assessment, carried out by the Civil Aviation Safety Authority (CASA), and included as an appendix to the EIS for the Eastern Creek Energy from Waste Facility, indicates that the emissions from the development would not penetrate the proposed WSA OLS. Based on this assessment, approval as a controlled activity would not be required; however, if the proposed emission design parameters for the facility change, a revised plume rise assessment should be undertaken.

Advice provided to the Department from Airservices Australia also acknowledges that a preliminary assessment was conducted against the proposed future instrument approach and departure procedures at Western Sydney Airport, and that initial indications are that the Eastern Creek development will not have a negative impact on these procedures.

The Department notes and agrees with the response provided within the EIS in relation to the risk of wildlife strikes for the Western Sydney Airport and the consideration of Guideline C, Managing the Risk of Wildlife Strikes in the Vicinity of Airports, of the National Airports Safeguarding Framework (NASF). In accordance with Guideline C, as the proposed Eastern Creek Energy from Waste Facility is 14 kilometers from the site of the Western Sydney Airport, there remains a moderate risk of wildlife attraction to the site of the facility. As such, ongoing monitoring activities should occur to confirm that there will not be an increased risk of bird and wildlife strike incidents, and to assist in the development of future mitigation measures to reduce the risk of wildlife attraction, if required.

I recognise the efforts taken to address the cumulative impacts of the development, in the context of other development that is occurring in Western Sydney and that the amended EIS has identified mitigation measures, as required, to address cumulative impacts of the proposed development. The Department is focused on consulting with local councils and NSW Government authorities to ensure that development that occurs within the vicinity of the airport site is compatible with the future Western Sydney Airport. In the context of significant residential, commercial and infrastructure development that is occurring in the broader Western Sydney area, the Department is also focused on reducing the cumulative impacts experienced by the community, wherever possible. By way of an example, the conditions placed on the Airport Plan which were based on the EIS, require a future Airport Lessee Company (ALC) to consult with the community on a range of Construction and Operational Environmental Management Plans. The development of these plans will need to consider how the development of the Western Sydney Airport provides a positive contribution to the changing identity and character of the region.

If you have any questions regarding the Department's feedback on the amended EIS for the proposed Energy from Waste Facility, please do not hesitate to contact Mr Michael Gregory, Director, Environment and Land Use Planning Team, on 02 6274 7153.

Yours sincerely



Brendan McRandle

Western Sydney Unit

09 March 2017