

16 December 2021

Director – Industry Assessment
Planning and Assessment
Department of Planning, Industry and Environment
4 Parramatta Square
PARRAMATTA NSW 2150

Attention: Rebecka Groth

Dear Rebecka,

SSD 25725029 – Construction and Operation of a Warehouse and Manufacturing Facility at Proposed Lot 12 – 657-769 Mamre Rod, Kemps Creek

We are writing in response to the referral of the above State Significant Development Application. The proposal seeks to construct and operate a manufacturing and distribution facility for powder and liquid products including cement, renders, decorate surface finishes, waterproofing membranes and liquid grouts. The building has a maximum height of 38m and incorporates landscaping, carparking, earthworks and signage

Overall, WSA recognises that the development will generate employment and provide products to support the construction industry. It is essential that any development on the site does not compromise safe aviation operations of Western Sydney International (Nancy-Bird Walton) Airport (WSI). Specific matters for consideration are identified below:

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)

WSA notes that Clause 5(3) of the Aerotropolis SEPP confirms that Part 3 Development-Controls – Airport Safeguards applies to land that surrounds the Land Application Map and land within the Western Sydney Aerotropolis, and therefore the Aerotropolis SEPP applies to the site.

Whilst the Environmental Impact Statement (EIS) states that the site is not subject to the Aerotropolis SEPP. WSA notes an assessment of the provisions of the Aerotropolis SEPP has been undertaken.

Wildlife Attraction

The site is located within the 8km wildlife buffer for WSI and WSA acknowledges the proposed land use is not a use that requires a risk assessment under Clause 21 of the Aerotropolis SEPP.

However, the Landscape Plans include species that are known to attract birds and flying foxes, in particular the proposed Eucalypts, Angophoras and Figs. WSA therefore requests the proposed species be reviewed and reference made to Appendix B of the Draft Phase 2 Western Sydney Aerotropolis Development Control Plan for alternate species.

The EIS also states that any stormwater basins on the site are to be provided with netting to manage wildlife attraction. However, the submitted plans do not show any stormwater basins on the site of the proposed facility. WSA seeks clarification if stormwater basins are proposed.



In relation to waste management, organic waste will be generated by employees and visitors to the site. Therefore, to minimise wildlife attraction, WSA recommends a condition of approval be imposed requiring all external waste areas be enclosed and waste bins for the use of organic waste are to be designed and installed with fixed lids.

Airspace Operations

In accordance with Clause 24 of the Aerotropolis SEPP, consent must not be provided for any development, including construction activities associated with that development, that extends into the Obstacle Limitation Surface (OLS) for WSI, unless the consent of the relevant Commonwealth authority has been provided.

The Aviation Impact Assessment confirms that the maximum building height is 38m with any cranes used on the site extending to a maximum of 10metres above the buildings. The existing ground elevation is approximately 42.4m with the OLS elevation being 230.5m. Accordingly, based on the information provided, the buildings and construction activities will not extend into the OLS.

However, it should be noted that the *Airports Act 1996* covers any intrusions into prescribed airspace, which could include:

- constructing permanent structures, such as buildings, into the protected airspace;
- temporary structures such as cranes protruding into the protected airspace; or
- activities causing non-structural intrusions into the protected airspace such as air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter.

If it is likely that any of the above components would result in a further impact on protected airspace, then approval will need to be obtained under in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*. We would require this as a condition on any future consent in relation to this application.

The proposed development should be conditioned to ensure that any intrusions into prescribed airspace obtain the required approvals under the *Airports (Protection of Airspace) Regulations 1996*.

We thank you for the opportunity to review the application and provide comments. If you have any questions on the above issues, please do not hesitate to contact Deanne Frankel at dfrankel@wsaco.com.au.

Yours Sincerely,

A handwritten signature in blue ink that reads "K. Osborne". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirk Osborne

Executive Manager, Land Use Planning and Approvals