

From: s47F [redacted]@wsaco.com.au>
Sent: Wednesday, 8 April 2020 5:24 PM
To: s22(1)(a)(ii) [redacted]
Cc: s22(1)(a)(ii) [redacted]; s22(1)(a)(ii) [redacted]
Subject: [DLM=OFFICIAL] RE: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs [SEC=OFFICIAL]

OFFICIAL

s22(1)
(a)(ii)

As discussed this morning, WSA is aware of the SSD proposal and was briefed by the site owners and their consultants on 18 Feb 20. WSA raised the following concerns:

- Current approvals allow for quarrying until 2024. Extending the quarry activity beyond then (or the airport opening) is a concern, particularly due to potential dust and particulate matter. The site is located close to the runway touchdown threshold.
- Non-recyclable material – need to understand what material is being accepted to determine wildlife risk.
- Aviation safeguarding considerations need to be address e.g. light spill, obstacle limitation surfaces, etc.
- Waste and recycling facility – wind blown dust problems from material stockpiles.
- Any landscaping need to consider wildlife/bird attraction.
- Landfill material may generate land fill gas. Management of any land fill gas (eg flaring) would need to be assessed.
- Fuel farm interface – potential impact of quarrying and waste recycling on fuel infrastructure e.g vibration impacts.
- Site rehabilitation of land fill – need to consider wildlife attraction.
- Sediment control and run-off to Oaky Creek will need to be assessed.
- WSA understood heavy vehicle access onto Adams Road was restricted which is why the previous owners had access through airport site. Access arrangements to be resolved as there will be no access allowed through the airport site.

I will raise the above issues in WSA's response to the Dept of Planning.

Regards

s47F [redacted]
 s47F [redacted] | Airport Planning

s47F [redacted]
 s47F [redacted]@wsaco.com.au
 PO Box 397 Liverpool NSW 1871

OFFICIAL
1 of 179

From: s22(1)(a)(ii)
Sent: Tuesday, 7 April 2020 8:39 AM
To: s47F
Cc: s22(1)(a)(ii)
Subject: FW: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs [SEC=OFFICIAL]

OFFICIAL

Good morning s47F

Hope you are well. Just wanted to touch base and see if you guys are aware of proposed development *SSD-10446 Luddenham Resource Recovery Facility* (email below refers).
 Please keep me in the loop if you have any comments/issues. I'm hoping to have a response prepared by the end of the week so I would be grateful if you could touch base with me by then.

s22(1)(a)(ii)

Regards,

s2

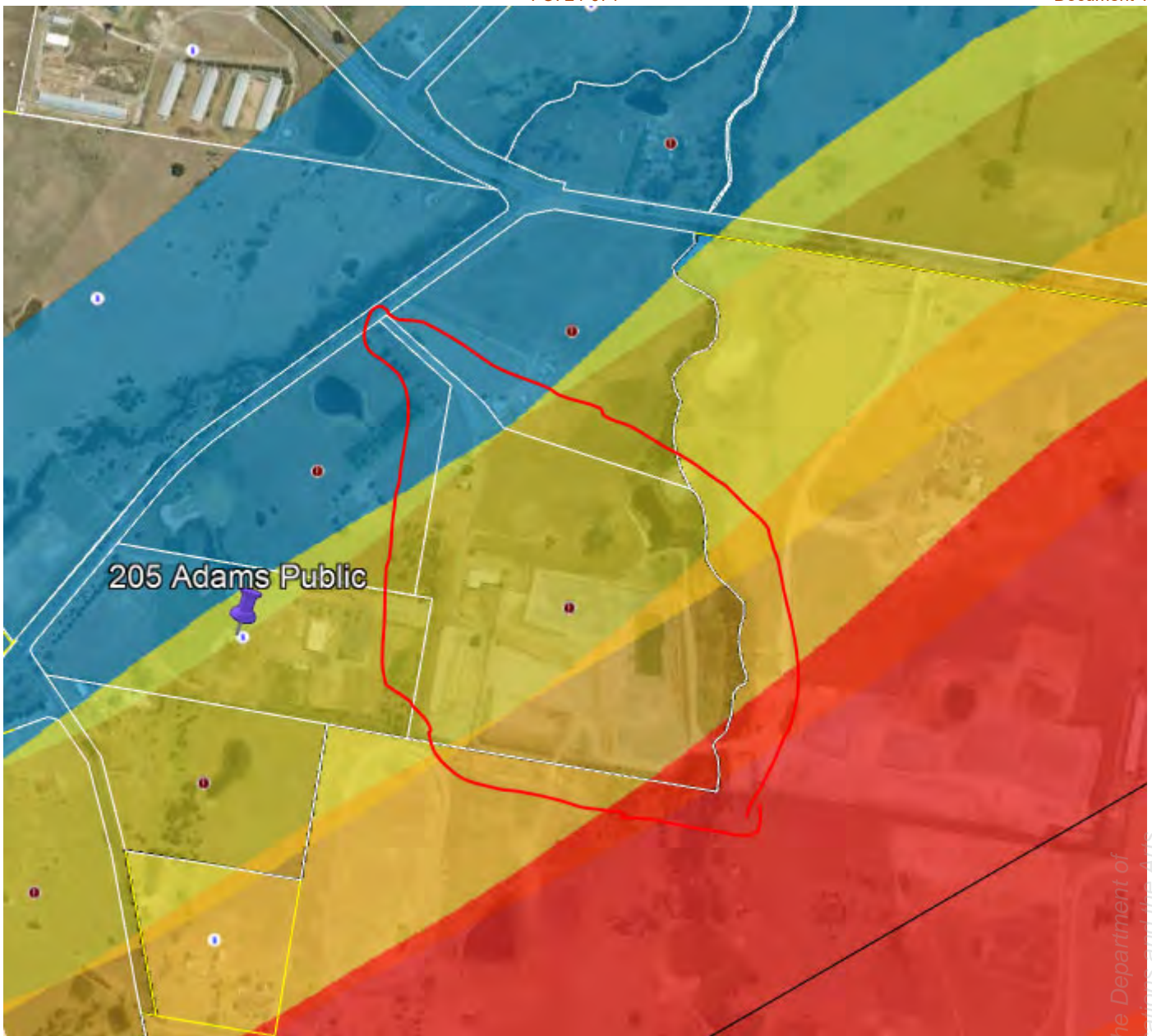
s22(1)(a)(ii)

Assistant Director
 Airspace Design & Management | Major Transport and Infrastructure Projects Division
 Department of Infrastructure, Transport, Regional Development and Communications
P: 02 6274 s22(1)(a) | **E:** s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au) | **w:** www.infrastructure.gov.au
 GPO Box 594, Canberra ACT 2601

From: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>
Sent: Wednesday, 1 April 2020 12:37 PM
To: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>
Subject: RE: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs [SEC=OFFICIAL]

OFFICIAL

That is a very good question. I suggest sending through to s22(1)(a)(ii) and s22(1)(a)(ii) for advice on this. But for interest the location is right beside the airport boundary



s22(1)(a)(ii)

Policy Officer | Regulatory &
Policy Advice
Regulatory Environment &
Stakeholder Engagement Branch |
Western Sydney Unit
Department of Infrastructure,
Transport, Regional Development
and Communications

t (02) 6274 s22(1)
(a)(ii)

e

s22(1)(a)(ii) @infrastructure.gov.au

GPO Box 594, Canberra ACT 2601



The department proudly acknowledges the Traditional Owners and Custodians of Australia, and their continuing connections to the land, waters and communities. We pay our respects to them and to their Elders past, present and emerging.

From: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Sent: Wednesday, 1 April 2020 12:32 PM
To: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Subject: FW: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(a)(ii)

Are you still looking after this stuff? Or is s22(1)(a)(ii) / s22(1)(a)(ii) ?

Thanks
s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>
Sent: Wednesday, 1 April 2020 12:25 PM
Subject: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs

Good afternoon,

The Department of Planning, Industry and Environment has received a request for Secretary's Environmental Assessment Requirements (SEARs) for the Luddenham Resource Recovery Facility at 275 Adams Road, Luddenham. The proposed development is a State Significant Development under the Environmental Planning and Assessment Act 1979.

Please provide input into the SEARs for the proposal including details of any key issues and assessment requirements by **14 April 2020**.

The scoping report prepared by the Applicant for the proposed development can be accessed at the link below

<https://www.planningportal.nsw.gov.au/major-projects/project/30151>

If you have any enquiries, please let me know.

Regards,

s22(1)(a)(ii)
A/ Principal Planner
Industry Assessments

4 Parramatta Square, 12 Darcy Street | Locked Bag 5022 | Parramatta NSW 2124
T s22(1)(a)(ii) E s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>



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From: s47F [redacted]@wsaco.com.au>
Sent: Wednesday, 15 April 2020 5:52 PM
To: s22(1)(a)(ii) [redacted]
Subject: [DLM=OFFICIAL] 275 Adams Road draft letter
Attachments: SSD 10446 WSA SEARs letter.docx

OFFICIAL

s22(1)
(a)(ii) [redacted]

Draft letter attached. I will finalise this tomorrow.

Regards

s47F [redacted]

Lead Town Planner | Airport Planning

s47F [redacted]

s47F [redacted] [@wsaco.com.au](mailto:[redacted]@wsaco.com.au)

PO Box 397 Liverpool NSW 1871



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XX April 2020

s22(1)(a)(ii)

A/ Principal Planner
Industry Assessments
NSW Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear s22(1)(a)(ii),

Proposed State Significant Development (SSD-10446) - Luddenham Resource Recovery Centre

I refer to your email advising that the Department of Planning, Industry and Environment has received a request for Secretary's Environmental Assessment Requirements (SEARs) for a Resource Recovery Centre at 275 Adams Road, Luddenham (the site). The proposed development is a State Significant Development under the *Environmental Planning and Assessment Act 1979*.

The Department is seeking input from Western Sydney Airport (WSA) in relation to the preparation of the SEARs. The site of the proposed development directly adjoins the airport site and WSA considers that the proposed development will potentially have adverse impacts on the future operation of Western Sydney International (Nancy Bird Walton) Airport (the Airport).

WSA has a number of concerns with the proposed land use including the following:

- The resource recovery centre directly adjoins the airport site and has the potential to cause land use conflict with the future operation of the airport.
- Aviation safeguarding considerations need to be addressed, with reference to the National Airports Safeguarding framework e.g. light spill, windshear, obstacle limitation surfaces, etc. The Scoping Report does not adequately address aviation safeguarding. An aviation impact assessment needs to be included in the Environmental Impact Statement.
- Potential dust and particulate matter impacts on airport operations - the proposal needs to assess the potential dust and particulate matter impacts of the waste and recycling facility. This should include the cumulative impacts of the both the resource recovery centre and quarrying operations, particularly given the site is located close to the runway touchdown threshold for planes landing on runway 23R. (The possible extensions of quarrying activity beyond the airport opening is a concern, particularly due to potential dust and particulate matter).
- WSA understands some waste stockpiles will not be in an enclosed space/warehouse. An assessment of windblown dust from waste stockpiles and stockpiles of recycled material must be undertaken.
- The proposal includes waste, product and reject material bays. The type of material stockpiled or stored in these bays must be identified in detail. The potential impacts of litter and other windblown material and debris must be assessed.
- The types of waste material to be accepted on the site needs to be clearly specified to enable a proper assessment of potential environmental impacts. Putrescible and organic waste is known to attract wildlife and create significant wildlife hazard risks to aircraft.

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- A wildlife attraction risk assessment must be undertaken. This needs to consider the type of waste material proposed to be accepted, nearby wildlife attractors including vegetation, water, land fill and other land uses that also attract wildlife. The wildlife hazard assessment must also assess the risk of birds transiting through airspace (particularly approach and departure paths and movements across the airfield).
- Any proposed landscaping needs to assess the potential for wildlife/bird attraction.
- It is unclear if landfilling is proposed as part of this application. If landfilling is proposed, this should be clearly detailed. Landfill material may generate land fill gas. Management of any land fill gas (e.g. flaring) would need to be assessed. Wildlife hazards associated with landfilling will need to be assessed.
- WSA fuel farm interface – the potential impact of waste recycling operations on future fuel infrastructure need to be assessed (e.g. vibration impacts on WSA infrastructure from crushing grinding, shredding etc)
- Sediment control and run-off to Oaky Creek needs to be assessed.
- WSA understood heavy vehicle access onto Adams Road was restricted which is why the previous owners had access through airport site. Suitable access arrangements need to be resolved as there will be no access allowed through the airport site.

The proposal also needs to consider the cumulative impacts of this proposal with the re-activation of quarrying activities on the site.

The Scoping Report notes that the proponent met with WSA on 18 February 2020. WSA was briefed on the proposal at this meeting and a range of issues were raised and discussed at the meeting. However, the Scoping Report states the following:

"It was agreed that the development application for the RRC would need to address these issues but that there are likely to be feasible measures that can address any issues that could impact airport operations"

Whilst there were a number of issues raised and discussed, WSA did not agree that there would be measures that could address the issues raised and rejects such a statement. The meeting was a high-level briefing of the proposal and an identification of issues. The Scoping Report is misleading in its assertion that there are feasible measures when limited detail on the proposed development was been provided and no environmental assessment of the proposed development has been undertaken. The feasibility of such measures (which have not been detailed) cannot be determined until all environmental impacts have been assessed, including as assessment of the cumulative impacts of the resource recovery centre and quarrying operations.

If you would like to discuss further, please contact me at s47F @wsaco.com.au

Yours Sincerely,

s47F
s47F



Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

s22(1)(a)(ii)

A/ Principal Planner, Industry Assessments
NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Via: s22(1)(a)(ii) @planning.nsw.gov.au

Dear s22(1)(a)(ii)

Re: SSD-10446 Luddenham Resource Recovery Facility

Thank you for your email of 1 April 2020 seeking input from the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on the proposed development of a Resource Recovery Facility at 275 Adams Road, Luddenham NSW. It is understood 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 under the *Environmental Planning and Assessment Act 1979*, and the Department will have an opportunity to provide further comments at that stage.

The subject site is located adjacent to the Western Sydney International (Nancy-Bird Walton) Airport (the Airport) boundary in close proximity to the runway touchdown zone and situated within the ANEC/ANEF 20-25 and 25-30 contours. 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; and the Western Sydney Aerotropolis Plan and the State Environmental Planning Policy and zoning.

The Department is concerned that the scoping report does not demonstrate reasonable consideration of, or a commitment to assess, the potential impacts of the proposed development on the safety, efficiency and viability of airport operations. The Department's comments and recommendations are as follows.

Airport Safeguarding and Airspace Protection

The Proponents met with the airport operator and other relevant stakeholders in February 2020 to discuss, *inter alia*, requirements to safeguard 24-hour operations, preventing wildlife strike, generation of wind shear/turbulence, preventing lighting impacts on pilots and maintaining a safe airspace were discussed. The scoping report states: [1] *it was agreed that the development application for the RRC would need to address these issues* [2] *but that there are likely to be feasible measures that can address any issues that could impact airport operations.*

Regarding [1], while the Proponent has agreed to address these issues, the scoping report does not specify that the proposed development will be assessed against the principles and guidelines of the National Airport Safeguarding Framework (NASF).

Regarding [2], in the absence of supporting evidence, the Department cannot agree with the Proponent's statement nor does it support this assessment.

The Department recommends the Proponent provide a comprehensive assessment of the proposed development against each of the NASF guidelines. Please note, airport safeguarding and airspace protection are complex matters that are subject to rigorous assessment processes. For example, applications for controlled activities are managed under the *Airports (Protection of Airspace) Regulations 1996 (APARs)*. Decisions under the APARs must only be issued by an authorised delegate, and should not under any circumstance be pre-empted. The Department recommends the Proponent also provide a thorough assessment to identify the type and duration of all potential controlled activities.

Planning Policy

The scoping report does not include sufficient detail of whether the proposed development is consistent with the zoning proposed under the Western Sydney Aerotropolis Plan and associated policies, in particular the Agribusiness Zone, which include environmental safeguarding requirements.

The Department recommends the Proponent provide an assessment of, for example (not limited to): how the proposed development and operations of the facility in the short and longer-term are consistent and align with the planning and development outcomes proposed in the draft Western Sydney Aerotropolis Plan and State Environmental Planning Policy.

Additional Comments

I note the Proponents have also commenced a separate application to reactivate and extend the life of the clay and shale quarry that is currently situated on the subject site to 31 December 2029 (five years beyond the current approved term), as well as revise associated access road routes.

As you would be aware, the Airport is scheduled to commence operations in 2026, therefore extending the quarry activity beyond 31 December 2024 raises a number of concerns. For example (not limited to), the potential impact of dust and particulate matter on airport operations noting the site is located in close proximity to the touchdown threshold for runway 23R. The Department recommends the Proponents provide a thorough assessment of such issues and the cumulative impacts of the Resource Recovery Facility.

Regarding access arrangements, the Department notes the scoping report specifies access to the quarry previously occurred through Commonwealth-owned land and that the Proponent has discussed an approach to assessing staged changes to the road network with the NSW Department of Planning, Industry and Environment (DPIE), Transport for NSW and Liverpool City Council.

Any changes to access arrangements that impact on Commonwealth-owned land and/or the surrounding road network should be assessed in consultation with the Department and the airport operator to ensure any potential impacts have been considered and managed or mitigated where appropriate.

Summary

The Department considers the scoping report does not include sufficient information to enable a comprehensive assessment of the potential impact on airport operations. These assessments are essential to informing balanced and coherent planning and development outcomes around the airport site. The Department therefore recommends the Proponent provide a comprehensive assessment of matters set out above.

In addition to the above, the Department understands the airport operator will also be making a submission on the proposed development to DPIE. The Department recommends any concerns raised by the airport operator also be addressed by the Proponent.

The following links have been included to provide background information on the key areas set out in this letter.

➤ Airport Safeguarding and Airspace Protection:

https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/index.aspx
https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/index.aspx
<https://www.infrastructure.gov.au/aviation/safety/protection/index.aspx>
<https://www.legislation.gov.au/Details/F2004C00653>
<https://westernsydney.com.au/your-airport/protected-airspace>

➤ Planning Policy:

For further information regarding developing plans for the Aerotropolis, please contact engagement@ppo.nsw.gov.au

Thank you again for providing the Department the opportunity to input into DPIE's SEARs for the Luddenham Resource Recovery Facility. If you require any further information, please contact ^{s22(1)(a)(ii)} [redacted] on 02 6274 ^{s22(1)(a)(ii)} [redacted] or via email ^{s22(1)(a)(ii)} [redacted] [\[redacted\]@infrastructure.gov.au](mailto:[redacted]@infrastructure.gov.au).

Yours sincerely,
^{s22(1)(a)(ii)} [redacted]

Sarah Leeming
 General Manager
 Regulatory, Environment & Stakeholder Engagement Branch
 Major Transport & Infrastructure Projects

16 April 2020

From: s47F [redacted]@wsaco.com.au>
Sent: Thursday, 16 April 2020 3:47 PM
To: s22(1)(a)(ii) [redacted]; s22(1)(a)(ii) [redacted]
Cc: s22(1)(a)(ii) [redacted]; s22(1)(a)(ii) [redacted]; LEEMING Sarah; s22(1)(a)(ii) [redacted]; s22(1)(a)(ii) [redacted]; s22(1)(a)(ii) [redacted]
Subject: [DLM=OFFICIAL] RE: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs [SEC=OFFICIAL]
Attachments: SSD 10446 WSA SEARs letter.pdf

OFFICIAL

Thanks s22(1)(a)(ii) [redacted].

Please find attached the final version of the letter I also submitted to the Department of Planning this afternoon.

Regards

s47F [redacted]
 s47F [redacted] | Airport Planning

s47F [redacted]
 s47F [redacted]@wsaco.com.au
 PO Box 397 Liverpool NSW 1871



OFFICIAL

From: s22(1)(a)(ii) [redacted]
Sent: Thursday, 16 April 2020 3:21 PM
To: s22(1)(a)(ii) [redacted]; s22(1)(a)(ii) [redacted]
Cc: s22(1)(a)(ii) [redacted]; s22(1)(a)(ii) [redacted]; LEEMING Sarah; s22(1)(a)(ii) [redacted]; s47F [redacted]; s22(1)(a)(ii) [redacted]; s22(1)(a)(ii) [redacted]
Subject: RE: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(a)(ii) [redacted],

Apologies for the delay. Please find attached a copy of a letter signed by Sarah Leeming regarding the proposed Luddenham Resource Recovery Facility.

Please come back to me if you have any questions or require any clarification.

Regards,
 s22(1)(a)(ii) [redacted].

s22(1)(a)(ii)

Director | Airspace Design
Section
Regulatory, Environment
& Stakeholder
Engagement Branch |
Western Sydney Unit
Department of
Infrastructure, Transport,
Regional Development
and Communications

t: 02 6274 s22(1)(a)(ii) | m: s22(1)(a)(ii)

w:
www.infrastructure.gov.au

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From: s22(1)(a)(ii) @planning.nsw.gov.au>
Sent: Wednesday, 15 April 2020 11:18 AM
To: s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>; LEEMING Sarah s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs [SEC=OFFICIAL]

Hello s22(1)(a)(ii) and s22(1)(a)(ii),

I am following up on my email below and the attached request for input on SEARs.

Can you please advise whether your department will be providing comments?

Thank you,

s22(1)(a)(ii)

A/ Principal Planner
Industry Assessments

4 Parramatta Square, 12 Darcy Street | Locked Bag 5022 | Parramatta NSW 2124

T s22(1)(a)(ii) E s22(1)(a)(ii) @planning.nsw.gov.au





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From: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Sent: Wednesday, 1 April 2020 3:22 PM
To: s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>
Cc: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>;
 LEEMING Sarah <[redacted]@infrastructure.gov.au>
Subject: RE: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs [SEC=OFFICIAL]

OFFICIAL

Thanks very much s22(1)(a)(ii). We will come back to you as soon as possible with our comments on the development.

regards,

s22(1)(a)(ii)

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From: s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>
Sent: Wednesday, 1 April 2020 12:22 PM
To: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Subject: SSD-10446 Luddenham Resource Recovery Facility - Request for Input on SEARs

Hi s22(1)(a)(ii),

You will receive an email from me shortly inviting your Department to comment on a request for the Planning Secretary's Environmental Assessment Requirements (SEARs) for a proposed resource recovery facility at 275 Adams Road, Luddenham NSW.

I obtained your details from a submission you made on a Development Application s22(1)(a)(ii)

This site adjoins the western side of Western Sydney Airport and therefore our Department thought you may wish to provide input for the SEARs.

If you have any questions, please let me know.

Regards,

s22(1)(a)(ii)

A/ Principal Planner
 Industry Assessments

4 Parramatta Square, 12 Darcy Street | Locked Bag 5022 | Parramatta NSW 2124

T s22(1)(a)(ii) E s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>



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16 April 2020

s22(1)(a)(ii)

A/ Principal Planner
Industry Assessments
NSW Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear s22(1)(a)

Proposed State Significant Development (SSD-10446) - Luddenham Resource Recovery Centre

I refer to your email advising that the Department of Planning, Industry and Environment (Department) has received a request for Secretary's Environmental Assessment Requirements (SEARs) for a Resource Recovery Centre (Proposed Development) at 275 Adams Road, Luddenham (Site). The Proposed Development is a State Significant Development under the *Environmental Planning and Assessment Act 1979*.

The Department is seeking input from Western Sydney Airport (WSA) in relation to the preparation of the SEARs.

The Site directly adjoins the Western Sydney International (Nancy Bird Walton) Airport (the Airport). WSA's primary concern with the Proposed Development is that the proposed land use is incompatible with Airport operations and will likely cause land use conflict and adverse impacts on the future development and operation of the Airport. This is evident given the proposed zoning of the Site in the draft Aerotropolis State Environmental Planning Policy does not permit Resource Recovery Centres on the Site.

In addition to WSA's concerns regarding the Proposed Development generally, WSA considers that the following key issues need to be considered as part of the assessment of the Proposed Development:

1. Aviation safeguarding with particular assessment against the matters identified in the National Airports Safeguarding Framework, including but not limited to light spill, windshear, wildlife hazards and protection of airspace. These matters are identified in the Western Sydney Aerotropolis Plan and draft Aerotropolis State Environmental Planning Policy. It is noted that the Scoping Report does not adequately address aviation safeguarding and that an aviation impact assessment should be included in the Environmental Impact Statement (EIS).
2. Dust and particulate matter impacts on the Airport operations. The EIS must assess the potential dust and particulate matter impacts of not only the Proposed Development but also on a cumulative basis given that the quarrying operations are proposed to recommence. This is imperative given the Site is located in close proximity to the runway touchdown threshold for aircraft landing on runway 23R. Although not the subject of this application, it is noted that

the proposed extension of quarrying activity beyond the opening of the Airport is a concern (particularly due to potential dust and particulate matter).

3. The waste stockpiles not proposed to be confined to an enclosed space/warehouse, must be subject to a detailed assessment of windblown dust from such stockpiles to adequately assess the impact of same on the Airport operations.
4. The proposal includes waste, product and reject material bays. The type of material stockpiled or stored in these bays must be identified in detail. The potential impacts of litter and other windblown material and debris must be assessed in context of Airport operations.
5. The types of waste material to be accepted on the site needs to be clearly specified to enable a proper assessment of potential environmental impacts. Putrescible and organic waste is known to attract wildlife and create significant wildlife hazard risks to aircraft. Although it is stated that putrescible waste will not be accepted, there are types of non-putrescible waste that may cause adverse impacts on the operation of the Airport including in particular wildlife hazards and it is for this reason that the types of wastes must be clearly stipulated in order for a proper assessment to be carried out.
6. A wildlife attraction risk assessment must be undertaken and must address the type of waste material proposed to be accepted, nearby wildlife attractors including vegetation, water, land fill and other land uses that also attract wildlife. The wildlife hazard assessment must also assess the risk of birds transiting through airspace (particularly approach and departure paths and movements across the airfield).
7. Any proposed landscaping needs to assess the potential for wildlife/bird attraction.
8. It is unclear if landfilling is proposed as part of this application. If landfilling is proposed, this should be clearly detailed as landfill material may generate land fill gas. Management of any land fill gas (e.g. flaring) needs to be assessed as it can create a hazard to Airport operations. In addition, wildlife hazards associated with landfilling will need to be assessed.
9. The Site also interfaces with WSA's proposed fuel farm. Accordingly, the potential impact of waste recycling operations on future fuel infrastructure needs to be assessed having regard to, for example, vibration impacts on infrastructure at the Airport from crushing, grinding, and shredding operations on the Site. The environment impact statement should also address the potential for hazards associated with the resource recycling.
10. Sediment and run-off impacts to Oaky Creek.
11. WSA understood that heavy vehicle access from Adams Road was restricted which is why the previous owners had been granted a license to access the Site, through the Airport. That license has now been terminated and access through the Airport is no longer appropriate given the construction works and future operations of the Airport. Accordingly, suitable access arrangements need to be resolved.
12. The EIS also needs to consider the cumulative impacts of this Proposed Development with the re-activation of quarrying activities on the Site.

Lastly, the Scoping Report notes that the proponent met with WSA on 18 February 2020. WSA was briefed on the proposal at this meeting and a range of issues were raised and discussed at the meeting. The Scoping Report also states the following:

"It was agreed that the development application for the RRC would need to address these issues but that there are likely to be feasible measures that can address any issues that could impact airport operations"

Whilst there were a number of issues raised and discussed, WSA did not agree that there would be measures that could address the issues raised and rejects such a statement. The meeting was a high-level briefing of the proposal and an identification of issues. The Scoping Report is misleading in its assertion that there are feasible measures to address issues when limited detail on the proposed development was provided and no environmental assessment of the proposed development had been undertaken. The feasibility of such measures (which have not been detailed) cannot be determined until all environmental impacts have been assessed, including an assessment of the cumulative impacts of the resource recovery centre and quarrying operations.

WSA is of the strong view that land uses such as resource recovery centres are not compatible in such close proximity to the Airport and this is supported by the zoning in the draft Aerotropolis State Environmental Planning Policy which prohibits development of this nature on the Site. Given the significance of the Airport to the Western Sydney region, safeguarding the future development and operations of the Airport is of paramount importance and any assessment of the Proposed Development must properly consider, address and mitigate any adverse impacts on the Airport.

If you would like to discuss further, please contact me at s47F @wsaco.com.au

Yours Sincerely,

s47F

s47F

s47F

From: s22(1)(a)(ii)
Sent: Thursday, 15 July 2021 11:08 AM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii); s47F
Subject: RE: Request for Advice on RTS - Luddenham Resource Recovery Facility (SSD-10446) [SEC=OFFICIAL]
Attachments: Department's comments on RTS for SSD-10446.pdf

OFFICIAL

Good morning s22(1)(a)(ii),

Please find attached the Department's comments on the RTS for SSD-10446.

Regards,

s
2

s22(1)(a)(ii)

Assistant Director

Western Sydney Airport Regulatory Policy | International Aviation, Technology & Services Division

Department of Infrastructure, Transport, Regional Development and Communications

P: 02 6274 s22(1)(a) E: s22(1)(a)(ii) @infrastructure.gov.au W: www.infrastructure.gov.au

GPO Box 594, Canberra ACT 2601

OFFICIAL

From: s22(1)(a)(ii) @planning.nsw.gov.au>
Sent: Friday, 9 July 2021 3:39 PM
To: s22(1)(a)(ii) @infrastructure.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: Request for Advice on RTS - Luddenham Resource Recovery Facility (SSD-10446) [SEC=OFFICIAL]

Hi s22(1)(a)(ii),

No worries. It'd be much appreciated if you could provide a draft (if not the approved) version to us by Wednesday or Thursday morning so DPIE can be productive during the meeting on Friday.

Thanks,

s22(1)(a)(ii)

From: s22(1)(a)(ii) @infrastructure.gov.au>
Sent: Friday, 9 July 2021 1:13 PM
To: s22(1)(a)(ii) @planning.nsw.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: Request for Advice on RTS - Luddenham Resource Recovery Facility (SSD-10446) [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)
(a)(ii)

I sincerely apologise for the delay, we expect to have our comments to you prior to the meeting on Friday.

Regards,

s
2

OFFICIAL

From: s22(1)(a)(ii) @planning.nsw.gov.au>
Sent: Friday, 9 July 2021 8:15 AM
To: s22(1)(a)(ii) @infrastructure.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: Request for Advice on RTS - Luddenham Resource Recovery Facility (SSD-10446) [SEC=OFFICIAL]

Good morning s22(1)
(a)(ii)

Just a friendly reminder that the extended due date of **7 July** for advice on RTS has passed.

It would be much appreciated if you could update us on the status and provide your Department's response in advance of the meeting on **Friday 16 July**.

Please give me a call if you have there are any issues.

Thanks,

s22(1)
(a)(ii)

s22(1)(a)(ii)

Senior Environmental Assessment Officer

Planning & Assessment | Department of Planning, Industry and Environment

T s22(1)(a)(ii) | E s22(1)(a)(ii) @planning.nsw.gov.au

Level 17, 4 Parramatta Square | Locked Bag 5022 | Parramatta NSW 2124

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From: s22(1)(a)(ii) @infrastructure.gov.au>
Sent: Thursday, 24 June 2021 2:55 PM
To: s22(1)(a)(ii) @planning.nsw.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: Request for Advice on RTS - Luddenham Resource Recovery Facility (SSD-10446) [SEC=OFFICIAL]

Hi s22(1)(a)(ii)

I refer to the email below regarding the Response to Submissions for the Luddenham Resource Recovery Facility (SSD-10446).

Our Department is preparing comments however, we may not be able to have them appropriately cleared to meet the requested response timeframe of Friday 25 June.

We expect to have comments to you by 7 July - I sincerely apologise for the delay.

Please free to contact me (02 6274 s22(1)(a)(ii)) or s22(1)(a)(ii) (02 6274 s22(1)(a)(ii)) if required.

Regards,

s
2

s22(1)(a)(ii)

Assistant Director

Western Sydney Airport Regulatory Policy | International Aviation, Technology & Services Division

Department of Infrastructure, Transport, Regional Development and Communications

P: 02 6274 s22(1)(a)(ii) E: s22(1)(a)(ii) @infrastructure.gov.au W: www.infrastructure.gov.au

GPO Box 594, Canberra ACT 2601

OFFICIAL

From: s22(1)(a)(ii) @planning.nsw.gov.au>

Sent: Wednesday, 16 June 2021 2:58 PM

To: s22(1)(a)(ii) @infrastructure.gov.au>

Cc: s22(1)(a)(ii) @infrastructure.gov.au>; LEEMING Sarah s22(1)(a)(ii) @infrastructure.gov.au>

Subject: Request for Advice on RTS - Luddenham Resource Recovery Facility (SSD-10446)

Hi s22(1)(a)(ii)

I'm reaching out to you as I've been told that s22(1)(a)(ii) has left the DITRDC.

The Department of Planning, Industry and Environment has received a Response to Submissions for the Luddenham Resource Recovery Facility (SSD-10446).

The RTS can be viewed on the Department's Major Projects website at <https://www.planningportal.nsw.gov.au/major-projects/project/30151>.

For convenience, DITRDC's submission can be viewed here <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=EXH-2928%2120200901T071046.863%20GMT>.

The Department invites you to provide any advice on the RTS by **Friday 25 June 2021**.

If you require more time or have any questions, please contact me on s22(1)(a)(ii) or at s22(1)(a)(ii) @planning.nsw.gov.au.

s22(1)(a)(ii)

Senior Environmental Assessment Officer

Planning & Assessment | Department of Planning, Industry and Environment

T s22(1)(a)(ii) | E s22(1)(a)(ii) @planning.nsw.gov.au



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Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

File Reference: RM F19/1205-20

s22(1)(a)(ii)

Senior Environmental Assessment Officer, Planning & Assessments
NSW Department of Planning, Industry & Environment
Locked Bag 5022
Parramatta NSW 2124

Via: s22(1)(a)(ii) @planning.nsw.gov

Dear s22(1)(a)(ii)

Response to Submissions - SSD-10446 Luddenham Resource Recovery Facility

Thank you for your email of 16 June 2021 seeking comments from the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on the Response to Submissions (RTS) for the proposed Luddenham Resource Recovery Facility development at 275 Adams Road, Luddenham NSW (subject site), adjacent to the Western Sydney International (Nancy-Bird Walton) Airport (the Airport) boundary.

In April and August 2020, the Department provided the Department of Planning Industry & Environment (DPIE) with comments on the scoping report and the environmental impact statement for the proposed development respectively. The Department advised that development on the site may be subject to a number of considerations and constraints including, but not limited to, airport safeguarding and airspace protection; and planning policy and zoning. I am informed that WSA, the airport operator, has also provided DPIE with comments on the proposed development at various stages of the application process, including on the RTS. The Department supports those comments in ensuring land use planning and development in the vicinity of the airport is coherent and compatible with the longer-term operations of the airport.

Planning Policy and Zoning

The Department maintains that the proposed development is not in keeping with the objectives and desired outcomes of the Agribusiness zone which prohibits the proposed land use under the Western Sydney Aerotropolis Planning Package that was finalised in September 2020 and the State Environment Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) that commenced in October 2020. Furthermore, it remains unclear to what extent the purpose and objective of the proposed development, to fill and rehabilitate the void, are being met through this application if the filling and rehabilitation of the void are subject to separate and future modification applications. I note the application specifies *stage two - a smart way to fill the void*, which is the subject of this application is *'to establish a technology-led approach to resource recovery, management, and reuse of Western Sydney's construction waste, and repurposing those materials that*

cannot be recovered for use to rehabilitate the void. This will provide a sustainable and economically viable method of rehabilitating the void for development.’ However, the application also specifies that the ‘infilling of the quarry void will be subject to separate detailed environmental assessment as part of the future modification application’ and ‘the infilling of the quarry void with non-recyclable residues from the ARRC [Advanced Resource Recovery Facility] will be subject to a separate modification application of the existing quarry consent and therefore is outside of the scope of the ARRC project.’

Airport Safeguarding

The rehabilitation and filling of the quarry void continues to remain a key area of concern for the Department. The application does not include sufficient information or assessment of the risk of wildlife attraction as a result of the waste being disposed into the quarry at the site, nor the cumulative impact of the site alongside other wildlife-attracting land uses that are located within the vicinity of the subject site. Furthermore, the application appears to rely on one or more separate future modification applications as a mitigation measure. This information should be provided to WSA as soon as possible to ensure the appropriate monitoring and mitigation of any potential impacts.

The National Airports Safeguarding Framework (NASF), Guideline C – Managing the Risk of Wildlife Strikes in the Vicinity of Airports, provides guidelines to State/Territory and local government decision makers to manage the risk of collisions between wildlife and aircraft at or near airports where that risk may be increased by the presence of wildlife-attracting land uses. Should DPIE decide to approve the proposed development, appropriate conditions must be imposed on the proposed development including the filling and rehabilitation of the void, to ensure activities on the site do not adversely impact on aviation safety by attracting wildlife that could result in an increased risk of collisions between wildlife and aircraft at or near the airport.

Regarding NASF Guideline A – Managing the Impacts of Aircraft Noise, the proposed development is located in an area that will be impacted by aircraft noise, and as such, the proposed development must be designed to comply with the relevant indoor sound design levels as set out in the Australian Standard 2021-2015 – Acoustics, Aircraft noise intrusion – Building siting and construction.

Regarding NASF Guideline E – Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports, lighting on the subject site must be designed so as to not cause distraction or confusion to pilots.

Further information on NASF guidelines are available via

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

Airport Infrastructure

The proposed development is situated within close proximity to key airport infrastructure including the fuel farm and the Ground Based Augmentation System (GBAS). The application does not appear to address the potential vibration impacts on the fuel farm that may result from crushing and compounding activities required to fill and rehabilitate the quarry void. These potential impacts need to be assessed and appropriately mitigated and monitored to ensure the proposed development does not adversely impact key airport infrastructure.

Also, technical assessments of any potential impacts on the GBAS would need to be undertaken in due course and provided to WSA and Airservices Australia to ensure potential impacts are identified, assessed and appropriately managed or mitigated.

Airspace Protection

Based on the information included in the application, no temporary or permanent intrusion into airspace that is protected for the Airport are expected during the construction and operation of the proposed development. However, should the Proponent at any stage during the design, construction, or operation of the proposed development become aware of any potential intrusion into prescribed airspace, the Proponent must provide details (including type, location, timing, duration and height) of the potential controlled activity (including construction cranes, plumes, aerials and antennas etc.) to WSA prior to the controlled activity occurring.

The Proponent should be informed that applications for controlled activities are subject to rigorous assessment processes that are separate and in addition to development approvals that are issued by the NSW or Local governments. The *Airports Act 1996* (Airports Act) and the *Airports (Protection of Airspace) Regulations 1996* (APARs) establish a framework for the protection of airspace at and around Federal Leased Airports that are administered by the Australian Government's Department of Infrastructure, Transport, Regional Development and Communications. Decisions under the APARs are only issued by an authorised delegate and should not be pre-empted.

Please be advised, under Part 12 of the Airports Act, it is an offence to carry out a controlled activity in relation to prescribed airspace without the necessary approval under the APARs. Such offences are punishable on conviction by a penalty of up to 250 penalty units for an individual and 1,250 penalty units for a corporation.

The Proponent must also provide WSA with detailed designs once they become available and the final heights of all buildings and structures upon completion of construction.

Ground Transport System

I note that traffic from the construction and operations at the site will place additional pressure on the ground transport system surrounding the airport site. It is important that any strategy that is approved and implemented take into account the cumulative impact of other road and infrastructure projects occurring in the vicinity.

I also note, the proposed transport strategy suggests restrictions for ARRC related vehicles, for example, '*vehicles accessing the ARRC will be restricted from right-hand turn into Adams road from Elizabeth Drive west*'. However, it is unclear how these restrictions will be enforced and regulated.

Recommendations

Notwithstanding the above, should DPIE decide to approve the proposed development, the Department recommends conditions be included to ensure there are no adverse impacts on aviation/airport infrastructure, the ground transport system surrounding the Airport, and the safety, efficiency and viability of airport operations. The Department recommends that these conditions be prepared in consultation with WSA to ensure adequate protections are in place to safeguard 24/7 operations at the Airport.

I am informed that WSA has also made a submission on the RTS to DPIE. I would be grateful if you could notify both the Department and WSA of DPIE's determination on the proposed development in due course.

Thank you again for providing the Department the opportunity to comment on the RTS for the proposed Luddenham Resource Recovery Facility development. If you require any further information, please contact me on 02 6274 ^{s22(1)(a)(ii)} or via ^{s22(1)(a)(ii)} [@infrastructure.gov.au](mailto:infrastructure.gov.au).

Yours sincerely,

s22(1)(a)(ii)

s22(1)(a)(ii)

Director, Environment Policy Section
Western Sydney Airport Regulatory Policy Branch
International Aviation, Technology and Services Division

15 July 2021

From: s22(1)(a)(ii)
Sent: Thursday, 17 February 2022 5:51 PM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii); s22(1)(a)(ii); JANSEN David
Subject: RE: Request for Advice - Luddenham Resource Recovery Facility (SSD-10446) [SEC=OFFICIAL]
Attachments: SSD 10446 275 Adams Rd RFI response [DITRDC] to [NSW Department of Planning and Environment] Signed.pdf

OFFICIAL

Hi s22(1)(a)(ii),

Apologies for the delay in getting our response to you. Please find attached the Department's response to the RFI for SSD-10446.

Kind regards,

s22(1)(a)(ii)

A/g Director • Environment Policy Section • Western Sydney Airport Regulatory Policy Branch • International Aviation, Technology & Services Division

s22(1)(a)(ii) @infrastructure.gov.au

P +61 2 6274 s22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

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I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

OFFICIAL

From: s22(1)(a)(ii) @planning.nsw.gov.au>
Sent: Tuesday, 15 February 2022 4:07 PM
To: s22(1)(a)(ii) @infrastructure.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: Request for Advice - Luddenham Resource Recovery Facility (SSD-10446) [SEC=OFFICIAL]

Hi s22(1)(a)(ii),

Comments from WSACO attached.

Would you be able to confirm if comments from DITRDC can be expected this week?

Regards,
 s22(1)(a)(ii)

27 of 179

s22(1)(a)(ii)

Senior Environmental Assessment Officer

Planning and Assessment | Department of Planning and Environment

T s22(1)(a)(ii) | E s22(1)(a)(ii) [@planning.nsw.gov.au](mailto:s22(1)(a)(ii)@planning.nsw.gov.au)

Level 17, 4 Parramatta Square, Parramatta NSW 2124

www.dpie.nsw.gov.au

The Department of Planning and Environment acknowledges that it stands on Aboriginal land.

We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: s22(1)(a)(ii)**Sent:** Monday, 17 January 2022 2:02 PM**To:** s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>**Cc:** s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>**Subject:** RE: Request for Advice - Luddenham Resource Recovery Facility (SSD-10446) [SEC=OFFICIAL]

Hi s22(1)(a)(ii),

Would an extension up until the 28th of January be sufficient for DITRDC to consider the additional information submitted for this proposal?

The Department of Planning is available to meet on Thursday 20 January between (a) **11am and 12noon** or (b) **2:30pm to 3:30pm**. I'll send MS Teams invite once you confirm which time slot.

Any questions, please let me know.

Regards,

s22(1)(a)(ii)

s22(1)(a)(ii)

Senior Environmental Assessment Officer

Planning & Assessment | Department of Planning, Industry and Environment

T s22(1)(a)(ii) | E s22(1)(a)(ii) [@planning.nsw.gov.au](mailto:s22(1)(a)(ii)@planning.nsw.gov.au)

Level 17, 4 Parramatta Square | Locked Bag 5022 | Parramatta NSW 2124

www.dpie.nsw.gov.au

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present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

From: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Sent: Monday, 17 January 2022 10:49 AM
To: s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>
Cc: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Subject: RE: Request for Advice - Luddenham Resource Recovery Facility (SSD-10446) [SEC=OFFICIAL]

OFFICIAL

Dear s22(1)(a)(ii),

Further to your email below, we require more time please to consider the proposal for the Resource Facility. Would you have time to discuss this matter with us this coming Thursday 20 January?

Kind regards

s22(1)(a)(ii)

Assistant Director • Environment Policy Section • Western Sydney Airport Regulatory Policy Branch

s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>

M s22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development and Communications
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*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.
 I recognise and respect their continuing connection to the land, waters and communities.
 I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

From: s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>
Sent: Wednesday, 15 December 2021 1:48 PM
To: s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Cc: s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>; s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>
Subject: Request for Advice - Luddenham Resource Recovery Facility (SSD-10446)

Dear s22(1)(a)(ii) and s22(1)(a)(ii),

The Department of Planning, Industry and Environment has received a Response to Request for Information (RFI) for the Luddenham Resource Recovery Facility. The Applicant's Response to RFI dated 14 December 2021 can be located under 'Additional Information' on the Department's Major Projects website <https://www.planningportal.nsw.gov.au/major-projects/project/30151>.

Please provide any advice on the Response to RFI, including any recommendation conditions, by the due date of Tuesday 18 January 2022.

If you have any enquiries, please contact me at s22(1)(a)(ii) or via email at s22(1)(a)(ii) <[redacted]@planning.nsw.gov.au>

s22(1)(a)(ii)

Senior Environmental Assessment Officer

29 of 179

Planning & Assessment | Department of Planning, Industry and Environment

T s22(1)(a)(ii) | E s22(1)(a)(ii) @planning.nsw.gov.au

Level 17, 4 Parramatta Square | Locked Bag 5022 | Parramatta NSW 2124

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Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

File Reference: RM F19/1205-20

s22(1)(a)(ii)

Senior Environmental Assessment Officer, Planning & Assessments
NSW Department of Planning and Environment (DPE).
Locked Bag 5022
Parramatta NSW 2124

Via: s22(1)(a)(ii) @planning.nsw.gov

Dear s22(1)(a)(ii)

Response to Request for Information - SSD-10446 Luddenham Resource Recovery Facility

Thank you for your email of 15 December 2021 seeking comments from the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on the Responses to Request for Information (RFI) for the proposed Luddenham Advanced Resource Recovery Centre (ARRC) adjacent to the Western Sydney International (Nancy-Bird Walton) Airport (WSA) boundary.

I am aware that WSA Co, the airport operator, has also provided DPE with comments on the proposed development at various stages of the application process, including on the RFI. The Department supports those comments in ensuring land use planning and development in the vicinity of the airport is coherent and compatible with the longer-term operations of the airport, particularly in relation to wildlife attraction, the danger of birdstrike and foreign object debris encroaching on the runway.

In providing comments to DPE, the Department has treated the application for the ARRC in isolation to any proposed modifications to the existing quarry approval that would allow infilling of the void. The views previously expressed by the Department relating to the infilling of the void are still held and the Department questions the viability of the ARRC without infilling of the quarry going ahead. In any case, the commentary provided below relates solely to the proposed ARRC.

Planning Policy and Zoning

The Department continues to maintain its views that the proposed development is not in keeping with the objectives and desired outcomes of the Agribusiness zone which prohibits the proposed land use under the Western Sydney Aerotropolis Planning Package that was finalised in September 2020 and the State Environment Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) that commenced in October 2020.

Airport Safeguarding

Wildlife attraction

The Department is concerned that the RFI does not adequately address the risk of wildlife strike and wildlife infestation that will potentially occur as a result of the development. The RFI relies on the *Wildlife Strike and Birdstrike Risk Review (EMM 2020b)*, which found that the ARRC development will reduce the wildlife risk and bird-strike risk by reducing access to standing water on the property and including a grass paddock into a fully enclosed warehouse.

Whilst the Department acknowledges that these are good steps towards mitigating bird strike risk, EMM 2020b does not consider if ground based animals could be attracted to the ARRC. Wildlife strike risk associated with ground based animals are discussed in the same ATSB data relied on to develop EMM 2020b however they are not referenced in the review.

Should DPE decide to approve the proposed development, appropriate conditions must be imposed to ensure activities on the site do not adversely impact on aviation safety by attracting wildlife that could result in an increased risk of collisions between wildlife and aircraft at or near the airport. As outlined in s24 of the *National Airport Safeguarding Framework - Guideline C*, there are a number of measures that could be considered by DPE to mitigate risks posed by wildlife, including authority for the airport operators to inspect and monitor properties close to the airports where wildlife hazards have been identified. Further, as recommended in EMM 2020b, should birds or other wildlife start using the site – particularly in numbers of concern – it would be prudent for the operator of the ARRC to engage specialists to survey/monitor the species on the site and mitigate the threats. It is the opinion of the Department that this should be done to the satisfaction of the airport operator.

Foreign Object Debris (FOD)

FOD poses a risk to aircraft, equipment and personnel. FOD can be ingested into engines causing significant and costly damage and can be blown across aprons by jet blast injuring personnel. This is an issue that has not been raised in previous correspondence by the Department however the operators of the ARRC must be made aware of the dangers FOD pose to aircraft operations and control measures put in place to minimise dangers, including induction training for its workforce.

Environmental Protection

Vibration and noise

DITRDC supports WSA Co's comments made in previous submissions, in relation to potential vibration impacts to aviation infrastructure from activities such as crushing and grinding, particularly in relation to fuel facilities. It is recommended that these be addressed prior to any approvals being granted.

Water pollution

The Airports (Environment Protection) Regulations 1997 (AEPRs) establish a Commonwealth system of regulation of, and accountability for, activities that generate (or potentially generate) pollution. Water pollution is considered to have occurred when waters on the airport contain a substance or organism that is likely to adversely affect the water, and/or its physical, chemical, or biological condition.

While the development site is not on the airport site itself, it is located in close proximity to a number of waterways, including Badgerys Creek, which traverse the airport site. There is potential for wastewater runoff to affect waterways in the airport and surrounds if not carefully managed. The Department is of the view that it is incumbent on the applicants to take all reasonable and practicable measures to prevent pollution from its operations, in line with the AEPRs, including the monitoring of water quality.

Furthermore, if the application is successful, a condition must be imposed which permits the Airport Environment Officer (AEO) to monitor the impact of the ARRC on surrounding waterways, as they affect the airport site under the AEPRs.

Recommendations

Notwithstanding the above, should DPE decide to approve the proposed development, the Department recommends conditions be included to ensure there are no adverse impacts on aviation/airport infrastructure, the surrounding environment, the ground transport system, and the safety, efficiency and viability of airport operations. The Department recommends that these conditions be prepared in consultation with WSA Co to ensure adequate protections are in place to safeguard 24/7 operations at the Airport.

Thank you again for providing the Department the opportunity to comment on the RTS for the proposed Luddenham Resource Recovery Facility development. If you require any further information, please contact me on 02 6274 s22(1) (a) (ii) or via s22(1)(a)(ii) [s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au).

Yours sincerely,

s22(1)(a)(ii)

s22(1)(a)(ii)

A/g Director, Environment Policy Section
Western Sydney Airport Regulatory Policy Branch
International Aviation, Technology and Services Division

17 February 2022

**Australian Government****Department of Infrastructure, Transport,
Regional Development and Communications**

File Reference: RM F19/1205-20

s22(1)(a)(ii)

Senior Environmental Assessment Officer, Planning & Assessments
NSW Department of Planning and Environment (DPE),
Locked Bag 5022
Parramatta NSW 2124

Via: s22(1)(a)(ii) [@planning.nsw.gov](mailto:s22(1)(a)(ii)@planning.nsw.gov)

Dear s22(1)(a)(ii)

Response to Request for Information - SSD-10446 Luddenham Resource Recovery Facility

Thank you for your email of 11 April 2022 requesting further advice from the Department of Infrastructure, Transport, Regional Development and Communications (Department) on the Responses to Request for Information (RFI) for the proposed Luddenham Advanced Resource Recovery Centre (ARRC) adjacent to the Western Sydney International (Nancy-Bird Walton) Airport (WSIA) boundary.

I am aware that WSA Co, the Airport Lessee Company (ALC), has also provided DPE with comments on the proposed development at various stages of the application process, including on this RFI. The Department supports those comments in ensuring land use planning and development in the vicinity of the airport is coherent and compatible with the longer-term operations of the airport, particularly in relation to the National Airports Safeguarding Framework principles, Foreign Object Debris (FOD) and vibration.

We have previously noted the relationship between the proposed modification to fill and rehabilitate the quarry void (DA 315-7-2003 MOD5), and the ARRC. At the request of DPE, the Department has considered the ARRC in isolation of the proposed modifications to the quarry approval. Subsequently, the commentary provided below relates solely to the proposed ARRC.

The applicant has proposed mitigation measures to address concerns raised about wildlife attraction, the danger of bird strike and FOD encroaching on the airside of the WSIA through the RFI process. The Department is of the view there is still a level of uncertainty in how effective those measures will be, especially considering the close proximity of the facility to the airport. Throughout the consultation process the Department has raised the risks that a facility like this brings to the safe and efficient operations of the WSIA. The Department has also previously noted that a facility of this kind would not be permitted under the current land use planning laws applicable to the site. The State Environment Planning Policy (Precincts —

Western Parkland City) 2021 prohibits waste or resource management facilities in the Agribusiness Zone.

Notwithstanding the above, should DPE decide to approve the proposed development, the Department recommends conditions be included to ensure there are no adverse impacts on the safety, efficiency and viability of airport operations and infrastructure. The Department recommends that these conditions be prepared in consultation with the ALC to ensure adequate protections are in place to safeguard 24/7 operations at the Airport.

In previous submissions the Department has pointed DPE and the applicant to legislation, resources and guides that may be useful when considering whether to approve the proposal or in developing mitigation measures. The Australian Aviation Wildlife Hazard Group, together with industry, are developing Recommended Practices (RP) for aviation wildlife hazard management. Both DPE and the applicant may find these RPs useful. They can be found at the following link:

<https://aawhg.org/resources/recommended-practices/>

I would be grateful if you could notify both the Department and the ALC of DPE's decision on the proposed development and I thank you again for providing the Department with the opportunity to comment on the Response To Submissions for the proposed Luddenham ARRC. If you require further information, please contact me on 02 6274 s22(1)(a)(ii) or via s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au) or email the Department's safeguarding section via safeguarding@infrastructure.gov.au

Yours sincerely,

s22(1)(a)(ii)

s22(1)(a)(ii)

A/g Director
Environment Policy Section
Western Sydney Airport Regulatory Policy Branch
International Aviation, Technology and Services Division

24 May 2022

From: s22(1)(a)(ii) @planning.nsw.gov.au>
Sent: Monday, 21 November 2022 9:32 AM
To: s22(1)(a)(ii); s22(1)(a)(ii); s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: Luddenham Resource Recovery Facility (SSD-10446) - DRAFT Conditions - Request for Comment
Attachments: DRAFT - SSD Instrument of Consent - Luddenham RRF.pdf

Good Morning All

The Department is finalising its assessment of the proposed Luddenham Resource Recovery Facility (SSD-10446). Thank you for your advice on the proposal to date. In finalising its assessment, the Department has prepared draft, without prejudice, conditions of consent for to prevent/minimise adverse environmental impacts on the Western Sydney Airport, the environment and the community. The Department invites you to review the draft conditions to ensure they address your residual concerns.

Given the issues raised in public submissions and government advice regarding the consistency of the proposal with the longer-term strategic planning for the Agribusiness precinct, airport safeguarding, operational noise and heavy vehicle access, the Department has recommended the following key conditions:

- imposition of a sunset date of 31 December 2035 on operation of the facility (Condition A6)
- restriction on evening and night-time operations of the development (Condition A11)
- capacity of the development to be progressively ramped to the maximum annual throughput of 600,000 tonnes per annum (tpa), contingent on environmental performance criteria being met at each stage (stage 1 up to 100,000 tpa, stage 2 up to 300,000 tpa, stage 3 up to 600,000 tpa) (Conditions A9 & A10)
- requirement to prepare Traffic Performance Reports and Noise Verification Reports (operational noise and road traffic noise) prior to the commencement of Stage 2 and Stage 3 (B11, B25 and B27)
- requirement to prepare managements plans for managing Foreign Object Debris and Wildlife Hazards (conditions B29 & B31)
- requirement to carry out an airport safeguarding audits at key operational stages (condition B35)
- independent environmental audits and compliance reporting to be carried out (conditions C14 and C16)
- implementation and effectiveness of all measures will be overseen by an Environmental Representative approved by the Planning Secretary (conditions A32 to A37).

The Department would value your specific advice on those conditions that are relevant to your organisation's area of interest and in respect of the issues raised in your advice on the application. Your advice is requested by **Monday 28 November 2022**.

Kind regards

s22(1)(a)(ii)

s22(1)(a)(ii)

Principal Planner
 Industry Assessments
Department of Planning and Environment

T s22(1)(a)(ii) E s22(1)(a)(ii) @planning.nsw.gov.au

4 Parramatta Square, 12 Darcy Street, Parramatta | Locked Bag 5022, Parramatta NSW 2124

dpie.nsw.gov.au

Department of Planning and Environment



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

DRAFT Conditions of Consent

Luddenham Resource Recovery Facility (SSD-10446)

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DEFINITIONS

Additional Information	The Applicant's responses to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the correspondence from EMM Consulting Pty Limited dated 14 December 2021, 28 January 2022, 2 February 2022, 28 February 2022, 7 April 2022, 15 June 2022 and 16 June 2022
Agribusiness	A business relating to farming and farming-related commercial activities. May include integrated logistics, air freight, integrated intensive production, food innovation, fresh product and value-added food – pharmaceuticals
Applicant	The Trustee for Coombes Family Trust No.13, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Calendar year	A period of 12 months commencing on 1 January
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Liverpool City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in Schedule 1, the EIS and Response to Submissions, including the works and activities comprising construction and operation of a resource recovery facility processing up to 600,000 tonnes per annum of construction and demolition and commercial and industrial waste, as modified by the conditions of this consent
Development layout	The plans at Appendix 1 of this consent
DITRC	NSW Department of Infrastructure, Transport, Regional Development, Communications and the Arts
DPE	Department of Planning and Environment
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
E&H Group	Environment and Heritage Group of the Department
EIS	The Environmental Impact Statement titled ' <i>Luddenham Advanced Resource Recovery Centre Environmental Impact Statement</i> ', prepared by EMM Consulting Pty Limited dated 22 July 2020, submitted with the application for consent for the development
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPL	Environment Protection Licence under the POEO Act

Evening	The period from 6 pm to 10 pm
Foreign Object Debris	Fragments of loose material (such as sand, stone, paper, wood, metal, fragments of pavement) that are detrimental to aircraft structures or engines and may impair the operation of aircraft if they strike or are ingested into an aircraft engine
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The receipt, processing, storage and dispatch of waste as described in the EIS and RTS
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
Planning Secretary	Secretary of the Department, or delegate
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions (RTS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled ' <i>Luddenham Advanced Resource Recovery Centre Submissions Report</i> ', prepared by EMM Consulting Pty Limited and dated 27 May 2021
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1

Stage 1 Operations	The point at which the site can receive and process up to 100,000 tonnes per annum of general solid waste (non-putrescible)
Stage 2 Operations	The point at which the site can receive and process up to 300,000 tonnes per annum of general solid waste (non-putrescible)
Stage 3 Operations	The point at which the site can receive and process up to 600,000 tonnes per annum of general solid waste (non-putrescible)
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

DRAFT

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the Development Layout in Appendix 1; and
 - (e) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Lapsing

- A5. This consent lapses five years after the date from which it operates unless the development has physically commenced on the land to which the consent applies before that date.

Sunset Date

- A6. The Applicant may carry out the development on the site until 31 December 2035.
- A7. (1) Despite condition A6, the Applicant may seek the Planning Secretary's written approval to continue to carry out the development on the site beyond 31 December 2035 if:
- (a) the Traffic Performance Reports required by condition B11, Noise Verification Reports required by conditions B25 and B27 and the Airport Safeguarding Audit Reports required by condition B35 have been approved by the Planning Secretary;
 - (b) all independent audits required by condition C16 and C17 have been approved by the Planning Secretary; and
 - (c) all compliance reports required by condition C14 have been approved by the Planning Secretary.
- (2) In deciding whether to approve the continuation of the development under this condition, the Planning Secretary must:
- (a) be satisfied that all requirements of condition A7 have been met;
 - (b) be satisfied with the environmental performance of the facility at its capacity at the time the request is submitted;
 - (c) consider the likely impacts from the continuation of the carrying out of the development; and
 - (d) consult with and consider the advice of the EPA, TfNSW, Council, Western Sydney Airport and DITRC.

Waste

- A8. The Applicant must not:
- (a) receive and process more than 600,000 tonnes per annum (tpa) of general solid waste (non-putrescible), limited to building and demolition waste, garden waste, wood waste, glass, plastic, rubber, plasterboard, ceramics, bricks, concrete, metal, paper, cardboard, asphalt waste, cured concrete from a batch plant, soils and excavated natural material; and

- (b) store more than 34,515 tonnes of unprocessed or processed waste at any one time.

Staging

- A9. Despite condition A8, the Applicant must not receive or process more than 100,000 tpa of general solid waste (non-putrescible) until the Planning Secretary has approved the commencement of Stage 2 Operations under conditions B11, **Error! Reference source not found.**, **Error! Reference source not found.** and B35(b).
- A10. Despite condition A8, the Applicant must not receive or process more than 300,000 tpa of general solid waste (non-putrescible) until the Planning Secretary has approved the commencement of Stage 3 Operations under conditions B11, **Error! Reference source not found.**, **Error! Reference source not found.** and B35(b).

Operating Hours

- A11. The Applicant must not operate the development during evening or night-time periods.
- A12. (1) Despite condition A11 and the hours of work specified in condition B13, the Applicant may seek the Planning Secretary's written approval to carry out 24-hour operation of the development following the commencement of operation of the Western Sydney Airport. The request must include the following:
- results of background noise monitoring carried out in accordance with the NSW Noise Policy for Industry (EPA, 2017) using long-term background noise measurements at each existing residential land use location identified in Table 3 in condition B20, after the commencement of operation of the Western Sydney Airport;
 - the intrusiveness and maximum noise trigger levels established in accordance with the NSW Noise Policy for Industry (EPA, 2017); and
 - demonstration that noise generated by operation of the development does not exceed the intrusiveness and maximum noise trigger levels established under condition A12b) during the evening and night-time periods.
- (2) In deciding whether to approve 24-hour operation of the development the Planning Secretary must consult and consider the advice of the EPA.

NOTIFICATION OF COMMENCEMENT

- A13. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- construction;
 - operation;
 - cessation of operations; and
 - decommissioning.
- A14. If the construction or operation or decommissioning of the development is to be staged, the Planning Secretary must be notified in writing, at least one month before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 6 of the EP&A Act. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

EVIDENCE OF CONSULTATION

- A15. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A16. With the approval of the Planning Secretary, the Applicant may:
- prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and

- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A17. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A18. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A19. Before the commencement of construction of the development, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure fronting the development in Adams Road (including roads, gutters, footpaths, services and street trees) and the Western Sydney Airport aviation fuel farm; and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A20. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

- A21. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A22. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

 - Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
 - The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

COMPLIANCE

- A23. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

OPERATION OF PLANT AND EQUIPMENT

- A24. All plant and equipment used on site, or to monitor the performance of the development, must be:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

- A25. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A26. Prior to the issuing of:
 - (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
 - (b) an Occupation Certificate,
 the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A27. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

UTILITIES AND SERVICES

- A28. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A29. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.
- A30. Prior to the commencement of construction of the development the Applicant must provide evidence of a written agreement with Sydney Water regarding the provision of and connection to regional stormwater infrastructure on the land at 275 Adams Road, Luddenham, to the satisfaction of the Planning Secretary.

WORK AS EXECUTED PLANS

- A31. Before the issuing of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

ENVIRONMENTAL REPRESENTATIVE

- A32. Works must not commence until an Environmental Representative (ER) has been approved by the Planning Secretary and engaged by the Applicant.
- A33. The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works, or within another timeframe agreed with the Planning Secretary.
- A34. The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or Response to Submissions and is independent from the design and construction personnel for the development.
- A35. The Applicant may engage more than one ER for the development, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the development.
- A36. For the duration of the works until two years after the commencement of Stage 2 operations, or as agreed with the Planning Secretary, the approved ER must:
 - (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the development;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this consent;
 - (c) consider and recommend to the Applicant any improvements that may be made to work practices to avoid or minimise adverse impact to the Western Sydney Airport, the environment and to the community;
 - (d) review documents prepared in accordance with the requirements of the conditions in Part C of this consent and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this consent and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/Department for information or are not required to be submitted to the Planning Secretary/Department);
 - (e) regularly monitor the implementation of the documents identified in condition A36(d) to ensure implementation is being carried out in accordance with the document and the terms of this consent;
 - (f) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints; and
 - (g) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Quarterly Report providing the information set out in the Department's 'Environmental Representative Protocol' (2018) under the heading "Environmental Representative Monthly Reports." The Environmental Representative Quarterly Report must be submitted within seven calendar days following the end of each quarter period for the duration of the ER's engagement for the development, or as otherwise agreed with the Planning Secretary.
- A37. The Applicant must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in condition A36 (including preparation of the ER Quarterly Report), as well as:
 - (a) the complaints register (to be provided on a daily basis); and
 - (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject work).

APPLICABILITY OF GUIDELINES

- A38. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A39. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

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ADVISORY NOTES

- AN1.** All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

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PART B SPECIFIC ENVIRONMENTAL CONDITIONS**TRAFFIC AND ACCESS****Construction Traffic Management Plan**

- B1. Prior to the commencement of construction of the development, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s)
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Construction Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Roadworks and Access

- B3. Prior to the commencement of construction of any works for the development, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a 26 metre B-double.
- B4. Prior to the commencement of operation of the development, the Applicant must complete the following roadworks to the satisfaction of Council and must obtain approval for the works under section 138 of the *Roads Act 1993*:
- (a) pavement upgrades along Adams Road between the site access and Anton Road; and
 - (b) road widening at the site access and Adams Road intersection.
- B5. Prior to the commencement of construction of the development the Applicant must:
- (a) obtain approval from the National Heavy Vehicle Regulator to permit 26 metre B-doubles to utilise Adams Road, in consultation with Council; and
 - (b) obtain approval from Council's Pedestrian, Active Transport and Traffic Committee for the removal of the existing 3-tonne heavy vehicle load restriction on Adams Road, if required by Council.

Elizabeth Drive / Adams Road Intersection Works

- B6. Prior to the commencement of construction of the Elizabeth Drive / Adams Road intersection upgrade works, the Applicant must finalise and submit the detailed design of the intersection works to TfNSW for approval. The proposed intersection upgrade design must:
- (a) meet TfNSW and Council requirements;
 - (b) be consistent with the Strategic Concept Design dated July 2021 prepared by Coombes Property Group and Indesco;
 - (c) be in accordance with Austroads Guide to Road Design and Australian Codes of Practice;
 - (d) be endorsed by a suitably qualified practitioner;
 - (e) include a signage and line marking plan which includes signage prohibiting right turn movements from Elizabeth Drive to Adams Road; and
 - (f) include detailed design plans and hydraulic calculations of any changes to the stormwater drainage system associated with the intersection upgrade.
- B7. Prior to the commencement of operation of the development, the Applicant must:

- (a) complete the upgrade works to the intersection of Elizabeth Drive and Adams Road to the satisfaction of TfNSW; and
- (b) implement the approved signage and line marking plan; and
- (c) enter into a Works Authorisation Deed with TfNSW for the Elizabeth Drive / Adams Road intersection upgrade works.

Parking

- B8. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operational Traffic Management Plan

- B9. Prior to the commencement of Stage 1 Operations, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The OTMP must form part of the OEMP required by Condition C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s), whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with Council;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency;
 - (d) detail heavy vehicle routes, access, and parking arrangements;
 - (e) include a stockpile management plan to describe how waste and product stockpiles will be managed to allow the safe loading and unloading of heavy vehicles;
 - (f) include an Operational Driver Code of Conduct to:
 - (i) minimise the impacts on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise;
 - (iv) inform truck drivers of the site access arrangements and use of specified haul routes;
 - (v) include a program to monitor the effectiveness of these measures; and
 - (g) include a Traffic Control Plan (TCP) detailing:
 - (i) heavy vehicle routes, road safety and efficiency measures and the on-site measures to be implemented to control the manoeuvring of vehicles in designated areas, including front-end loaders within the waste receipt and processing areas and mitigate the potential for on-site vehicle conflict; and
 - (ii) installation of weighbridges and signage.
- B10. The Applicant must:
- (a) not commence Stage 1 Operations until the OTMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of the development.

Traffic Performance Report

- B11. Prior to the commencement of Stage 2 Operations and Stage 3 Operations or approval of a request under condition A7, the Applicant must prepare and submit a Traffic Performance Report to the satisfaction of the Planning Secretary. The Traffic Performance Report must:
- (a) be prepared by a suitably qualified and experienced person(s), whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with TfNSW and Council;
 - (c) be prepared in accordance with TfNSW 'Guide to Traffic Generating Developments' (RTA, 2002);
 - (d) undertake traffic and transport survey in accordance with the relevant TfNSW and Austroads guidelines;
 - (e) verify the predicted operational traffic numbers and impacts on road safety and the capacity of the road network using a calibrated SIDRA model or similar suitable traffic model in accordance with TfNSW Traffic Modelling Guidelines (TfNSW, 2013), including impacts on intersection efficiency, property access, pedestrian access, amenity and road pavement; and
 - (f) include details of any additional management or mitigation measures required to accommodate the increased capacity and/or ongoing operation of the development, including:
 - (i) any upgrades or changes in road infrastructure required for the development
 - (ii) a timetable for the implementation of any required actions; and

- (iii) a review of the consistency and compatibility of the proposed management and mitigation measures with the traffic management measures detailed in *The Northern Road Upgrade Stage 6 Adams Road Traffic Performance Report*, prepared by Jacobs Group (Australia) Pty Ltd dated 20 December 2021.

Operating Conditions

B12. The Applicant must ensure:

- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 *Parking facilities Off-street car parking* (Standards Australia, 2004), AS 2890.2:2018 *Parking facilities Off-street Commercial Vehicle Facilities* (Standards Australia, 2018) and AS 2890.6:2009 *Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009)
- (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
- (c) the development does not result in any vehicles queuing on the public road network;
- (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
- (e) all vehicles are wholly contained on site before being required to stop;
- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

NOISE

Hours of Work

B13. The Applicant must comply with the hours detailed in Table 1, unless the Planning Secretary has otherwise agreed to the carrying out of 24-hour operation on the site (see condition A12).

Table 1 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Saturday	7 am to 6 pm
	Sundays and Public Holidays	8 am to 6 pm

B14. Works outside of the hours identified in condition B13 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers;
- (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

B15. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

Construction Noise and Vibration Management Plan

B16. The Applicant must prepare a Construction Noise and Vibration Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) be approved by the Planning Secretary prior to the commencement of construction of each stage of the development;
- (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);

- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (e) include strategies that have been developed with the community for managing high noise generating works;
- (f) describe the community consultation undertaken to develop the strategies in condition B16(e); and
- (g) include a complaints management system that would be implemented for the duration of the development.

B17. The Applicant must:

- (a) not commence construction of any relevant stage of the development until the Construction Noise and Vibration Management Plan required by condition B16 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

Noise Mitigation at Residential Receivers

B18. Prior to the commencement of operation of the Stage 1 development:

- (a) the Applicant must offer to enter into an agreement with the noise mitigation eligible receivers identified in Table 2 and identified in Figure 3 of Appendix 1 of this consent;
- (b) provide evidence to the Planning Secretary of the offer required by condition B18(a).

Table 2 Residences Subject to Noise Mitigation Upon Request

Mitigation Basis	Reference	Land
Noise	R3	285 Adams Road, Luddenham
Noise	R6	225 Adams Road, Luddenham

B19. If a negotiated noise agreement is established with the owners of the land identified in Table 2 under condition B18:

- (a) the limits do not apply to the noise mitigation eligible receivers in Table 2;
- (b) the Applicant must provide evidence that the noise agreement has been established to the Planning Secretary within one month of the agreement being reached.

Note: At-property treatments for managing noise impacts may include measures such as the provision of mechanical ventilation and/or air-conditioning, upgrade of façade elements (including glazing, seals, doors and roof insulation), localised screening/barriers or a negotiated agreement with the affected parties.

Operational Noise Limits

B20. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 3 until such time the existing residential use ceases on the land or a development consent for non-residential uses applies to the land, whichever is the sooner.

Table 3 Noise Limits (dB(A))

Reference	Location	Classification	Day L _{Aeq} (15 minute)
R1	2161 – 2177 Elizabeth Drive, Luddenham	Residential	43
R2	2111 – 2141 Elizabeth Drive, Luddenham	Residential	47
R3	285 Adams Road, Luddenham	Residential	62
R4	5 Anton Road, Luddenham	Residential	41
R5	185 Adams Road, Luddenham	Residential	40
R6	225 Adams Road, Luddenham	Residential	52

Reference	Location	Classification	Day L _{Aeq} (15 minute)
R7	161 Adams Road, Luddenham	Residential	37
R8	2510 – 2550 Elizabeth Drive, Luddenham	Residential	39
AR1	Hubertus Club Outdoor Open Spaces	Active Recreation	53 (when in use)
C1	Hubertus Club Restaurant	Commercial	63 (when in use)

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time) and Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022) (as may be updated or replaced from time to time). Refer to the plan at Figure 3 in Appendix 1 for the general location of sensitive receivers.

- B21. Notwithstanding condition B20, the Applicant must ensure that noise generated by operation of the development does not exceed:
- (a) project amenity noise trigger levels at non-residential land uses specified in Section 2 of the NSW Noise Policy for Industry (EPA, 2017) when a non-residential land use is in use; and
 - (b) traffic noise criteria for non-residential land uses and relative increase criteria specified in Section 2 of the NSW Road Noise Policy (EPA, 2011) when a non-residential land use is in use.

Operational Noise Management Plan

- B22. Prior to the commencement of Stage 1 Operations, the Applicant must prepare an Operational Noise Management Plan (ONMP) for the development to the satisfaction of the Planning Secretary. The ONMP must form part of an OEMP in accordance with condition C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) describe the measures to ensure:
 - (i) compliance with the noise limits detailed in conditions B20 and B21;
 - (ii) truck drivers are aware of vehicle noise mitigation and management measures, including a Driver Code of Conduct as required by condition B26;
 - (iii) the deployment of contingency plans to minimise impacts should an exceedance of the noise limit (see B20 and B21) occur or appear likely to occur; and
 - (c) include:
 - (i) a complaints management system that would be implemented for the duration of the development; and
 - (ii) a protocol to evaluate the performance of the development.
- B23. The Applicant must:
- (a) not commence Stage 1 Operations until the ONMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the ONMP approved by the Planning Secretary for the duration of the development.

Post-Commissioning Noise Monitoring

- B24. Within three months of the commencement of Stage 1, Stage 2 and Stage 3 operations or within a timeframe as otherwise agreed with the Planning Secretary, a Post-Commissioning Noise Monitoring Report (PNMR) must be prepared in consultation with the EPA and to the satisfaction of Planning Secretary. The PNMR must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary in accordance with:
 - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
 - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022); and
 - (iii) the NSW Noise Policy for Industry (EPA, 2017);
 - (b) include:

- (i) details of the operating conditions and capacity of the development during the noise monitoring period;
- (ii) an analysis of compliance with the noise limits specified in condition B20 and B21(a);
- (iii) an outline of management and mitigation measures to address any non-compliance with the limits specified in condition B20 and B21(a); and
- (iv) a description of contingency measures in the event the management and mitigation measures are not effective in reducing noise levels to meet the noise limits and timing for implementing and validating the effectiveness of these measures.

Noise Verification Report

- B25. Prior to the commencement of Stage 2 and Stage 3 operations or approval of a request under condition A7, the Applicant must prepare and submit an Operational Noise Verification Report to the satisfaction of the Planning Secretary. The Operational Noise Verification Report must:
- (a) demonstrate that noise monitoring and verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
 - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
 - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022); and
 - (iii) the NSW Noise Policy for Industry (EPA, 2017);
 - (b) include:
 - (i) a source emission inventory developed from baseline on-site noise monitoring from the PNMR required by condition B24;
 - (ii) noise modelling undertaken in accordance with the requirements in the latest versions of the EPA's Noise Policy for Industry (2017) and Australian Standard AS 1055:2018 *Acoustics - Description and measurement of environmental noise* using noise monitoring results provided in the PNMR required by condition B24;
 - (iii) a verification of the predicted noise impacts of the development for the next stage of operation, including identification of any additional at-source mitigation and management measures required to address any non-compliance with the noise limits specified in condition B20 and B21(a) and analysis of their effectiveness;
 - (iv) a description of contingency measures in the event at-source mitigation measures are not effective in reducing noise levels to an acceptable level.

Road Traffic Noise

- B26. Prior to the commencement of construction of the development, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

Traffic Noise Verification Report

- B27. Prior to the commencement of Stage 2 and Stage 3 operations or approval of a request under condition A7, the Applicant must prepare and submit a Traffic Noise Verification Report to the satisfaction of the Planning Secretary. The Traffic Noise Verification Report must:
- (a) demonstrate that noise monitoring and verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
 - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
 - (ii) the EPA NSW Road Noise Policy (EPA, 2011); and
 - (iii) the TfNSW Road Noise Model Validation Guideline (TfNSW, 2022); and
 - (b) include:
 - (i) traffic noise monitoring data recorded at all noise sensitive receivers along Adams Road between the site access and The Northern Road prior to the commencement of Stage 1 operations;
 - (ii) traffic noise monitoring data recorded at all noise sensitive receivers along Adams Road between the site access and The Northern Road at the time of preparing the traffic noise verification report;
 - (iii) traffic count and traffic classification data collected during the noise monitoring period;
 - (iv) traffic noise modelling undertaken using a suitable model identified in the NSW Road Noise Policy (EPA, 2011) that includes the traffic noise monitoring data recorded in accordance with clause (ii) above;
 - (v) an analysis of any discrepancies between the predicted and actual impacts of the development;

- (vi) an analysis of compliance with the noise criteria and relative increase criteria specified in the RTS and B21(b);
- (vii) an outline of at-source mitigation measures to be taken to address any exceedances identified in clause (vi) above; and
- (viii) a description of contingency measures in the event at-source measures are not effective in reducing noise levels to an acceptable level.

B28. Despite the requirement for a Traffic Noise Verification Report in condition B27, the Applicant may seek written approval from the Planning Secretary to not carry out the Traffic Noise Verification Report if heavy vehicles associated with the development are not utilising Adams Road between the site access and The Northern Road.

AIRPORT SAFEGUARDING

Wildlife Hazard Management

- B29. Prior to the commencement of Stage 1 Operations of the development, the Applicant must prepare a Wildlife Hazard Management Plan in consultation with Western Sydney Airport and DITRC which addresses the management of both ground-based and airborne wildlife management. The Plan must form part of the OEMP required by condition C5 and must:
- (a) be prepared by a suitably qualified or experienced person(s) approved by the Planning Secretary;
 - (b) describe monitoring protocols;
 - (c) provide details of staff training regarding wildlife awareness and management;
 - (d) detail mitigation measures to minimise wildlife attraction, including those identified in the Wildlife Hazard Assessment dated April 2022 prepared by EMM Consulting Pty Limited;
 - (e) establish trigger thresholds for investigating additional measures to reduce wildlife attraction; and
 - (f) describe protocols for reducing wildlife attraction if trigger thresholds are exceeded.
- B30. The Applicant must:
- (a) not commence Stage 1 Operations until the Wildlife Hazard Management Plan is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Wildlife Hazard Management Plan approved by the Planning Secretary for the duration of the development.

Foreign Object Debris

- B31. Prior to the commencement of Stage 1 Operations of the development, the Applicant must prepare a Foreign Object Debris (FOD) Management Plan in consultation with Western Sydney Airport and DITRC. The Plan must form part of the OEMP required by condition C5 and must:
- (a) be prepared by a suitably qualified or experienced person(s) approved by the Planning Secretary;
 - (b) identify potential FOD risks associated with the development;
 - (c) identify the control measures that will be implemented to manage potential FOD risks associated with the development, including those identified in the Response to DPE Request for Information dated 7 April 2022 prepared by EMM Consulting Pty Limited;
 - (d) include details of fence design and height adjacent to the incoming weighbridge area;
 - (e) describe inspection and corrective action protocols; and
 - (f) provide details of staff training regarding FOD risks and appropriate corrective actions.
- B32. The Applicant must:
- (a) not commence Stage 1 Operations until the FOD Management Plan is approved by the Planning Secretary; and
 - (b) implement the most recent version of the FOD Management Plan approved by the Planning Secretary for the duration of the development.
- B33. All roller doors to the resource recovery facility building must be designed to be automatically closing and default to a closed position during operations to protect against wildlife attraction and FOD risks.
- B34. All loading and unloading of waste must occur within the resource recovery facility building.

Airport Safeguarding Audit

- B35. The Applicant must commission and pay the full cost of an Airport Safeguarding Audit:
- (a) within six months of the commencement of Stage 1 Operations;
 - (b) prior to the commencement of Stage 2 Operations;
 - (c) prior to the commencement of Stage 3 Operations; and

(d) within six months of the commencement of Stage 3 Operations of the development.

B36. Each of the four (4) Airport Safeguarding Audit reports required by condition B35 must:

- (a) be prepared to the satisfaction of the Planning Secretary in consultation with Western Sydney Airport and DITRC;
- (b) be carried out at the Applicant's expense by a suitably qualified and experienced person or team, who have been approved by the Planning Secretary and are independent of the development;
- (c) be provided to Western Sydney Airport and DITRC for review and comment on the findings and recommendations of the audit;
- (d) include details of the site inspection and any recorded incidents;
- (e) review the effectiveness of the Wildlife Strike and FOD Management Plans identified in conditions B29 and B31 and benchmark the control measures against best practice mitigation and management, with reference to the Australian Aviation Wildlife Hazard Group Recommended Practices; and
- (f) provide details of any additional management or mitigation measures required and a timetable for the implementation of any required actions.

Note: The Planning Secretary will consult with Western Sydney Airport and DITRC during its consideration of the Airport Safeguarding Audit Report.

B37. Within one month of completing each Airport Safeguarding Audit carried out in accordance with condition B35, the Applicant must submit a report to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

Note: The Airports (Protection of Airspace) Regulation 1996 applies to 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 any of the above components would result in a further impact on protected airspace, approval will need to be obtained in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulation 1996.

VIBRATION

Vibration Criteria

- B38. Vibration caused by construction and operation at any residence or structure immediately outside the site (including the Western Sydney Airport aviation fuel farm) must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999);
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time)
 - (c) for vibration sensitive equipment, the generic vibration criterion (VC) curves set out in *Generic Vibration Criteria for Vibration-Sensitive Equipment* (Gordon, 1999).
- B39. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition B38.
- B40. The limits in conditions B38 and B39 apply unless otherwise outlined in a Construction or Operational Noise and Vibration Management Plan, approved as part of the CEMP required by condition C2 or the OEMP required by condition C5 of this consent.

AIR QUALITY

Dust Minimisation

- B41. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B42. During construction of the development, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B43. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.
- B44. All non-road diesel plant and equipment utilised at the development must achieve a particulate matter emission performance of 0.02 grams per kilowatt hour or less.
- B45. All crushers and screens associated with material handling and processing operations must be fitted with water sprays to prevent or minimise air emissions.
- B46. All waste material received at the development must be stored, handled and/or processed within the enclosed resource recovery facility building.

Air Quality Management Plan

- B47. Prior to the commencement of Stage 1 Operations of the development, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition C5. The AQMP must:
 - (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) detail and rank all emissions from all sources of the development, including particulate emissions;
 - (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
 - (d) identify the control measures that will be implemented for each emission source; and
 - (e) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency and duration of monitoring;
 - (iv) record keeping;
 - (v) complaints register;
 - (vi) response procedures; and
 - (vii) compliance monitoring.
- B48. The Applicant must:
 - (a) not commence Stage 1 Operations until the Air Quality Management Plan required by condition B47 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development.

Odour Management

- B49. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).
- B50. Storage of green/organic waste at the development is limited to a maximum period of 72 hours.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B51. The Applicant must:
 - (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Planning Secretary upon request.

Soil Washing

- B52. The washing of waste with treated water and/or wastewater is not permitted at the development. The use of any other water to wash waste is not permitted at the development unless expressly provided by a licence under the POEO Act.

Erosion and Sediment Control

- B53. Prior to the commencement of any construction or other surface disturbance for the development, the Applicant must install suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the

Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

- B54. The Applicant must maintain the erosion and sediment control measures installed on the site in accordance with condition B53 for the duration of construction and any other surface disturbance for the development.

Discharge Limits

- B55. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

- B56. Prior to the commencement of construction of the development, the Applicant must finalise the detailed design of the stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS/RTS;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
 - (e) ensure all water discharged to Oaky Creek is treated prior to discharge;
 - (f) divert existing clean surface water around operational areas of the site;
 - (g) direct all sediment laden water in overland flow away from the leachate management system; and
 - (h) prevent cross-contamination of clean and sediment or leachate laden water.
- B57. Prior to the commencement of Stage 1 Operations, the Applicant must install the stormwater management system in accordance with the finalised detailed design (as required by condition B56) and ensure the system is operational.

Water Management Plan

- B58. Prior to the commencement of Stage 1 Operations of the development, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must form part of the OEMP required by condition C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) provide details of:
 - (i) water use, metering, disposal and management on-site; and
 - (ii) the management of wastewater streams on-site, including leachate;
 - (iii) re-use of treated water on-site; and
 - (iv) contingencies in the event the wastewater treatment plan is not operational;
 - (c) contain a **Surface Water Management Plan**, including:
 - (i) a program to monitor:
 - a. surface water flows and quality;
 - b. surface water storage and use; and
 - c. sediment/detention basin operation;
 - (ii) surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts; and
 - (iii) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria; and
 - (d) contain an **Irrigation Management Plan**.
- B59. The Applicant must:
- (a) not commence Stage 1 Operations until the Water Management Plan required by condition B58 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.

WASTE MANAGEMENT

Construction Waste Management

- B60. Prior to the commencement of construction of the development, the Applicant must prepare a Construction Waste Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:

- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
- (b) be implemented for the duration of construction works.

B61. The Applicant must:

- (a) not commence construction until the Construction Waste Management Plan is approved by the Planning Secretary.
- (b) implement the most recent version of the Construction Waste Management Plan approved by the Planning Secretary.

Waste Management Plan

B62. Prior to the commencement of Stage 1 Operations of the development, the Applicant must prepare a Waste Management Plan for the development to the satisfaction of the Planning Secretary. The Waste Management Plan must form part of the OEMP and be prepared in accordance with condition C5. The Plan must:

- (a) be prepared in consultation with the EPA;
- (b) detail the type and quantity of waste to be generated during operation of the development;
- (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Environment Protection Authority, 2014);
- (d) detail the materials to be reused or recycled, either on or off site;
- (e) a description of procedures for dealing with non-conforming waste and materials received at the development;
- (f) a description of how the EPA's record keeping and reporting requirements will be met; and
- (g) include the Management and Mitigation Measures included in Appendix 2.

B63. The Applicant must:

- (a) not commence Stage 1 Operations until the Waste Management Plan is approved by the Planning Secretary;
- (b) implement the most recent version of the Waste Management Plan approved by the Planning Secretary.

Waste Monitoring Program

B64. From the commencement of Stage 1 Operations of the development, the Applicant must implement a Waste Monitoring Program for the development. The program must:

- (a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;
- (b) include suitable provision to monitor the:
 - (i) quantity, type and source of waste received on site; and
 - (ii) quantity, type and quality of the outputs produced on site; and
- (c) ensure that:
 - (i) all waste that is controlled under a tracking system has the appropriate documentation prior to acceptance at the site; and
 - (ii) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste including asbestos.

Waste Reveal, Storage and Processing

- B65. The Applicant must ensure that only waste authorised for receipt by an EPL is received, stored and processed at the site.
- B66. All waste must be loaded and unloaded within the designated loading and unloading areas.
- B67. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- B68. The maximum height of any stockpile at the development must not exceed six metres.
- B69. Permanent stockpile height markers must be installed and maintained at the development. Markers must show the stockpile height limit of six metres and be positioned so that a visual check can be made of all stockpiles at the development.

Statutory Requirements

- B70. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

- B71. The Applicant must assess and classify all non-liquid and liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a waste management facility or premises lawfully permitted to accept the waste.
- B72. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.
- B73. The requirements of any resource recovery order and exemption applicable to the waste at the resource recovery facility must be complied with at all times.

Pests, Vermin and Priority Weed Management

- B74. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared priority weeds on the site; and
 - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or priority weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, priority weed has the same definition of the term in the Biosecurity Act 2015.

HAZARDS AND RISK

Dangerous Goods

- B75. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- B76. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards; and
 - (b) for liquids:
 - (i) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - (ii) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual*.
- B77. In the event of an inconsistency between the requirements of conditions B76(a) and B76(b), the most stringent requirement must prevail to the extent of the inconsistency.

Bunding

- B78. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

FIRE SAFETY

- B79. Prior to the commencement of Stage 1 Operations of the development, the Applicant is to engage a fire safety engineer or other suitably qualified consultant to prepare the final fire safety design of the development, including firewater containment, in consultation with FRNSW to the satisfaction of the Planning Secretary and include suitable additional provisions for special hazards by specifically addressing Clauses E1.10 and E2.3 of the National Construction Code.
- B80. The premises must have appropriate fire services to be able to respond to a fire event at the facility in accordance with FRNSW 'Fire Safety in Waste Facilities' guidelines.
- B81. Prior to the commencement of Stage 1 Operations of the development, the Applicant must prepare a comprehensive Emergency Response Plan (ERP) for the site in consultation with FRNSW to the satisfaction of the Planning Secretary. The ERP must:
- (a) be prepared by a suitably qualified consultant;
 - (b) specifically address foreseeable on-site and off-site fire events and other emergency incidents;
 - (c) detail the appropriate risk control measures that would need to be implemented in order to safely mitigate potential risks to the health and safety of firefighters and other first responders (including electrical hazards); and
 - (d) detail other risk control measures that could be implemented in a fire emergency caused by any unique hazards specific to the site.

BUSHFIRE

- B82. From the commencement of construction and for the life of the development, the entire property must be managed as an inner protection area in accordance with the requirements of Planning for Bushfire Protection 2019.

- B83. All new construction must comply with:
- (a) Section 3 and Section 9 (BAL FZ) of Australian Standard AS3959-2018 'Construction of building in bushfire-prone areas' or the relevant BAL-FZ requirements of the 'NASH Standard – Steel Framed Construction in Bushfire Areas' (incorporating amendment A – 2015); and
 - (b) the construction requirements for BAL FZ in Section 7.5 of Planning for Bush Fire Protection 2019.
- B84. Property access roads must comply with the requirements of Table 7.4a of Planning for Bush Fire Protection 2019.
- B85. The provision of water, electricity and gas must comply with Table 5.3c of Planning for Bush Fire Protection 2019.
- B86. Prior to the commencement of Stage 1 Operations of the development, a Bush Fire Emergency Management and Evacuation Plan must be prepared. The Plan must:
- (a) be consistent with the document: 'A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan' (NSW Rural Fire Service, 2014);
 - (b) include planning for the early relocation of occupants; and
 - (c) be provided to the Local Emergency Management Committee for its information prior to the commencement of Stage 1 Operations of the development.

ABORIGINAL HERITAGE

Statutory Requirements

Aboriginal Cultural Heritage Management Plan (ACHMP)

- B87. Before the commencement of any clearing or construction works for the development, the Applicant must prepare an ACHMP for the development. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
 - (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development;
 - (c) describe the measures to protect the AHIMS site #45-5-2280 in perpetuity;
 - (d) describe the measures to salvage the artefacts in at AHIMS site #45-5-5360, including mapping, analysis and collection, and protect them in perpetuity;
 - (e) include:
 - (i) details of an Aboriginal cultural heritage interpretation strategy; and
 - (ii) the Management and Mitigation Measures included in Appendix 2 of this consent.
- B88. The Applicant must:
- (a) not commence construction until the ACHMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the ACHMP approved by the Planning Secretary for the duration of the development.

Unexpected Finds Protocol

- B89. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) Heritage NSW must be contacted immediately.
- B90. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

HISTORIC HERITAGE

Unexpected Finds Protocol

- B91. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and work in the immediate vicinity of the Aboriginal item or object may only recommence subject to approval from the E&H Group.

BIODIVERSITY

- B92. Prior to the commencement of construction, the Applicant must purchase and retire the number and class of ecosystem credits and species credits set out in the BAM Biodiversity Credit Report in Appendix E of the Revised Biodiversity Development Assessment Report, prepared by EMM Consulting Pty Ltd dated 28 April 2021. The retirement of biodiversity credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*.

- B93. Prior to commencement of construction, evidence of the retirement of credits in satisfaction of condition B92 must be provided to the Planning Secretary.

Biodiversity Management Plan

- B94. Prior to clearing for construction of the development, the Applicant must prepare a Biodiversity Management Plan (BMP) for the development in consultation with the E&H Group to the satisfaction of the Planning Secretary. The Biodiversity Management Plan must be approved by the Planning Secretary prior to the commencement of clearing for construction and must form part of the CEMP in accordance with condition C2. The Plan must include the following:
- (a) be prepared by a suitably qualified and experienced ecologist;
 - (b) be prepared in consultation with the E&H Group;
 - (c) include:
 - (i) a description of the environmental management framework that would be implemented to manage biodiversity impacts;
 - (ii) details of who would be responsible for monitoring, reviewing, and implementing the plan; and
 - (iii) a program to monitor and report on the effectiveness of the above measures which includes tailored, quantitative performance measures and targets, completion criteria, monitoring and trigger points for corrective action which adhere to the SMART principles (specific, measurable, achievable, realistic, timely).
- B95. The Applicant must:
- (a) not commence any clearing or construction of the development until the Biodiversity Management Plan is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Biodiversity Management Plan approved by the Planning Secretary.

CONTAMINATION

Unexpected Finds

- B96. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

VISUAL AMENITY

Landscaping

- B97. Prior to the commencement of Stage 1 Operations of the development, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary and in consultation with the Western Sydney Airport. The plan must form part of an OEMP in accordance with condition C5. The plan must:
- (a) detail the species to be planted on-site;
 - (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
 - (c) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2.
- B98. The Applicant must:
- (a) not commence Stage 1 Operations until the Landscape Management Plan is approved by the Planning Secretary.
 - (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
 - (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B97 for the life of the development.

Lighting

- B99. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019);
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network; and

- (c) is designed to comply with the requirements of *National Airports Safeguarding Framework Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports*.

Signage and Fencing

B100. All signage must be erected in accordance with the development plans included in the EIS and RTS.

B101. All fencing must be erected in accordance with the design approved in the FOD Management Plan required by condition B31.

Note: These conditions do not apply to temporary construction and safety related signage and fencing.

COMMUNITY ENGAGEMENT

B102. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified on Figure 3 in Appendix 1 of this consent, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

Community Consultation Plan

B103. The Applicant must prepare a Community Consultation Plan for the development, to the satisfaction of the Planning Secretary. The Plan must:

- (a) be approved by the Planning Secretary prior to the commencement of site preparation works;
- (b) be implemented for the life of the development, or as otherwise agreed by the Planning Secretary;
- (c) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development;
- (d) detail the mechanisms for regularly consulting with the local community throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results;
- (e) detail a procedure for consulting with nearby sensitive receivers:
 - (i) to schedule high noise generating works, vibration intensive activities or manage traffic disruptions during construction; and
 - (ii) regarding operational noise and traffic management;
- (f) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and
- (g) include a complaints procedure for recording, responding to and managing complaints, including:
 - (i) email, toll-free telephone number and postal address for receiving complaints;
 - (ii) advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage;
 - (iii) a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
 - (iv) procedures to resolve any disputes that may arise during the course of the development.

B104. The Applicant must:

- (a) not commence construction until the Community Consultation Plan is approved by the Planning Secretary; and
- (b) implement the approved Community Consultation Plan for the duration of the development.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**ENVIRONMENTAL MANAGEMENT****Management Plan Requirements**

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see condition B1);
 - (b) Erosion and Sediment Control Plan;
 - (c) Construction Noise and Vibration Management Plan (see condition B16);
 - (d) Construction Waste Management Plan (see condition B60); and
 - (e) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;

- (iii) resolve any disputes that may arise;
- (iv) respond to any non-compliance;
- (v) respond to emergencies; and
- (c) include the following environmental management plans:
 - (i) Traffic (see condition B9);
 - (ii) Noise (see condition B22);
 - (iii) Air Quality (see condition B47);
 - (iv) Water (see condition B58);
 - (v) Wildlife Strike Management (see condition B29)
 - (vi) Foreign Object Debris (see condition B31);
 - (vii) Waste (see condition B62);
 - (viii) Emergency Response Plan (see condition B81);
 - (ix) Bushfire (see condition B86);
 - (x) Aboriginal Cultural Heritage (see condition B87); and
 - (xi) Biodiversity (see condition B94).

C7. The Applicant must:

- (a) not commence operation of any stage until the OEMP is approved by the Planning Secretary; and
- (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of a Compliance Report under condition C14;
- (b) the submission of an incident report under condition C10;
- (c) the submission of an Independent Audit under condition C16;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing of the outcomes of any review.

C9. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review required under condition C8, or such other timing as agreed by the Planning Secretary.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C10. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

C11. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

C12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

C14. Within six months after the commencement of Stage 1 Operations of the development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance

Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:

- (a) identify any trends in the monitoring data over the life of the development;
- (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.

C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.

Independent Audit

C16. The Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:

- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
- (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
- (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).

C17. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition C16 of this consent;
- (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
- (c) implement the recommendations to the satisfaction of the Planning Secretary; and
- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Monitoring and Environmental Audits

C18. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

C19. At least 48 hours before the commencement of construction of the development and for the life of the development (or such other time as agreed by the Planning Secretary), the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the development;
 - (viii) contact details to enquire about the development or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Compliance Report of the development;

- (xi) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

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[illegible]

NSW Government
Department of Planning and Environment



Figure 2: Sensitive Receivers

■■■■■ **APPLICANT'S MANAGEMENT AND MITIGATION MEASURES**

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INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (c) identify the development and application number;
 - (d) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (e) identify how the incident was detected;
 - (f) identify when the applicant became aware of the incident;
 - (g) identify any actual or potential non-compliance with conditions of consent;
 - (h) describe what immediate steps were taken in relation to the incident;
 - (i) identify further action(s) that will be taken in relation to the incident; and
 - (j) identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.

From: s22(1)(a)(ii) @planning.nsw.gov.au>
Sent: Thursday, 1 December 2022 4:41 PM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii); s22(1)(a)(ii); s22(1)(a)(ii); s22(1)(a)(ii)
Subject: RE: Luddenham Resource Recovery Facility (SSD-10446) - DRAFT Conditions - Request for Comment [SEC=OFFICIAL]

Hi s22(1)(a)(ii)

Thank you for your feedback. We will consider your advice in finalising the conditions. We do not oppose anything you have suggested. You will be notified when a decision has been made on the application.

Kind regards

s22(1)(a)

From: s22(1)(a)(ii) @infrastructure.gov.au>
Sent: Tuesday, 29 November 2022 7:12 PM
To: s22(1)(a)(ii) @planning.nsw.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: Luddenham Resource Recovery Facility (SSD-10446) - DRAFT Conditions - Request for Comment [SEC=OFFICIAL]

OFFICIAL

Dear s22(1)(a)

Thank you again for providing a copy of the draft conditions of consent for SSD-10446 to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Department) for review.

The Department has the following comments regarding the draft conditions:

1. The Department supports Conditions B35 & B36 relating to airport safeguarding audits to be carried out at key operational stages; The Department suggests that these conditions be amended to incorporate a requirement to have at least one of these safeguarding audits completed prior to the airport becoming operational;
2. The Department of Planning and Environment (DPE) may wish to consider incorporating a condition that trucks are to remain covered post-inspection when located on site and before entering internal areas of the facility to mitigate the risk of FOD to the airport;
3. The Department does not support the processing and storage of organic waste at the facility;
4. The Department supports any conditions that would prevent any waste processed at the facility being dumped into the adjoining quarry;
5. The Department request that DPE provide consideration to issues raised by the Airport Lessee Company;
6. The Department's name and acronym have changed. The current name is the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA). To avoid any future confusion, the Department recommends that the definition provided for the Department within the conditions be amended to:
 - a. the Commonwealth Department responsible for regulating leased federal airports. At the time of granting this approval the responsible Commonwealth Department is the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA); and,

7. Also please note, the current definition for DITRC in the draft conditions refers to the NSW Department of Infrastructure, Transport, Regional Development, Communications and the Arts. NSW is not part of the Department's name.

If you have questions regarding any of the points raised, please do not hesitate to contact either myself or my team.

Kind regards,

s22(1)(a)(ii)

A/g Director • Environment Policy Section • Western Sydney Airport Regulatory Policy Branch • International Aviation, Technology and Services Division

s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)

P +61 2 6274 s22(1)(a)

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
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infrastructure.gov.au



*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.
I recognise and respect their continuing connection to the land, waters and communities.
I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

OFFICIAL

From: s22(1)(a)(ii) [@planning.nsw.gov.au](mailto:s22(1)(a)(ii)@planning.nsw.gov.au)

Sent: Monday, 28 November 2022 5:36 PM

To: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)

Cc: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au); s22(1)(a)(ii)

[@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)

Subject: RE: Luddenham Resource Recovery Facility (SSD-10446) - DRAFT Conditions - Request for Comment
[SEC=OFFICIAL]

Hi s22(1)(a)

Yes, no problem.

Thanks

s22(1)(a)

From: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)

Sent: Monday, 28 November 2022 3:14 PM

To: s22(1)(a)(ii) [@planning.nsw.gov.au](mailto:s22(1)(a)(ii)@planning.nsw.gov.au)

Cc: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au); s22(1)(a)(ii)

[@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)

Subject: RE: Luddenham Resource Recovery Facility (SSD-10446) - DRAFT Conditions - Request for Comment
[SEC=OFFICIAL]

OFFICIAL

Good afternoon s22(1)(a),

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Hope you are doing well. We have some competing priorities today, making it difficult to get our comments back. Is it possible to please get an extension and submit them by COB tomorrow?

Thank you,
s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) @planning.nsw.gov.au>
Sent: Monday, 21 November 2022 9:44 AM
To: s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: Luddenham Resource Recovery Facility (SSD-10446) - DRAFT Conditions - Request for Comment [SEC=OFFICIAL]

Thanks s22(1)(a), noted

Regards
s22(1)(a)

From: s22(1)(a)(ii) @infrastructure.gov.au>
Sent: Monday, 21 November 2022 9:38 AM
To: s22(1)(a)(ii) @planning.nsw.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>
Subject: RE: Luddenham Resource Recovery Facility (SSD-10446) - DRAFT Conditions - Request for Comment [SEC=OFFICIAL]

OFFICIAL

Good morning s22(1)(a),

Thank you for your email. We will review the draft conditions accordingly and endeavour to have any comments back to you by the 28th.

Also FYI, no need to include s22(1)(a)(ii) in further correspondence regarding this matter, he has left the Department and s22(1)(a)(ii) is currently Acting Director for our Section.

Kind regards,
s22(1)(a)(ii)

OFFICIAL

s22(1)(a)(ii)

**Australian Government****Department of Infrastructure, Transport,
Regional Development, Communications and the Arts**

File Reference: RM F19/1205 20

s22(1)(a)(ii)

Director, Industry Assessments
NSW Department Planning & Environment
4 Parramatta Square
12 Darcy Street Parramatta
SYDNEY NSW 2150

Via: s22(1)(a)(ii) @planning.nsw.gov.au

Dear s22(1)(a)(ii)

Luddenham Resource Recovery Facility

I refer to the email dated 20 April 2023 from the Department of Planning and Environment (the Department of Planning) requesting further advice from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) on the revised draft conditions of approval for the Luddenham Resource Recovery Facility at 275 Adams Road Luddenham (Proposed Waste Facility). If approved, the Proposed Waste Facility will sit adjacent to the Western Sydney International (Nancy-Bird Walton) Airport (WSI) boundary.

The Australian Government is investing \$5.6 billion in the development of WSI with domestic and international air operations on track to commence in late 2026, and with capacity to handle up to 10 million passengers a year. The first 3,700metre long runway and terminal are now well underway, as well as two Sydney Metro stops on the WSI site connecting WSI to the broader public transport system. The Australian Government is committed to supporting the strategic planning of Western Sydney to facilitate jobs, livability and connectiveness for the Western Parkland City.

Previous submissions from the Department about the Proposed Waste Facility have not been supportive of it being developed adjacent the WSI site. The Department's August 2020 submission states:

The Department recommends that the proponent consider alternate uses for the subject site that are consistent with the soon to be finalized SEPP for the Western Sydney Aerotropolis and compatible with airport operations.

In February 2022 we reiterated this earlier view:

The Department continues to maintain its views that the proposed development is not in keeping with the objectives and desired outcomes of the Agribusiness zone which prohibits the proposed land use under the Western Sydney Aerotropolis Planning Package that was finalized in September 2020 and the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) that commenced in October 2020.

The Department's May 2022 submission continues:

The Department is of the view there is still a level of uncertainty in how effective those measures will be, especially considering the close proximity of the facility to the airport. Throughout the consultation process the Department has raised the risks that a facility like this brings to the safe and efficient operations of the WSI. The Department has also previously noted that a facility of this kind would not be permitted under the current land use planning laws applicable to the site.

The Proposed Waste Facility remains incompatible with contemporary land use planning around the WSI site. The Department of Planning has explained the Proposed Waste Facility's progression to this stage of the assessment process to be a legacy issue whereby the proponent lodged its application before the relevant land use planning was revised. The important fact remains however the Proposed Waste Facility is not permissible in an Agribusiness zone, and there are good reasons why this is the case. If approved, the Proposed Waste Facility will be in contradiction to the protections intended by the Aerotropolis SEPP.

For instance, the alarming regularity with which waste facilities such as the Proposed Waste Facility are known to catch alight adds weight to the argument this land use would be better situated in an industrial location and away from a major international airport where the safe and efficient undertaking of air operations will be impacted. I also note, as the Proposed Waste Facility is inconsistent with the Aerotropolis SEPP it is almost certain the proposal will not be in keeping with the broader up-to date planning for waste in Western Sydney when it is completed by local councils.


The Department of Planning has attempted to mitigate some of these and other concerns by drafting conditions of approval requiring the proponent to undertake a series of audits. In so doing, the requirement for the proponent to cease operations in the year 2035 has been lifted which has increased the risk of locating the Proposed Waste Facility adjacent WSI to a greater extent than is offset by the proposed auditing framework.

Permitting the Proposed Waste Facility to operate in perpetuity means there is no clear mechanism to close or phase-out the Proposed Waste Facility should conflicts arise. As WSI and the Proposed Waste Facility increase their operations over time, it is likely these two neighboring facilities will impact upon each other in ways that are difficult to foresee in the present day, and to adequately mitigate via the auditing proposed.

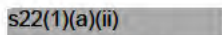
The auditing process proposed places the onus on the Department of Planning, the Airport and the Department to make the case for operations at the Proposed Waste Facility not to be increased over time. The outcome you propose is for operations at the Proposed Waste Facility to continue and grow well into the future. The Department does not support this outcome because it is at odds with the land use planning designed to support and integrate WSI with its surrounds, and it has little real regard to the anticipation of risk for WSI and its continued, safe and unimpeded growth.

Yours sincerely,

s22(1)(a)(ii)



s22(1)(a)(ii)



Assistant Director, Airspace Design
Western Sydney Airport Regulatory Policy Branch

19 May 2023