



13 March 2020

Western Sydney Planning Partnership
PO Box 257
Parramatta NSW 2124

Recycling & Recovery

Dear Sir/Madam,

Western Sydney Aerotropolis planning package - consultation response

Introduction

We refer to the consultation currently underway by the Western Sydney Planning Partnership regarding the Western Sydney Aerotropolis Planning Package. This letter comprises a formal response to this consultation on behalf of SUEZ Recycling and Recovery Pty Ltd (SUEZ).

About SUEZ

SUEZ helps businesses, governments and communities to protect, access and optimise the use of natural resources and create new resources through reuse and recycling of water and waste. SUEZ is a leader in resource recovery, providing four million Australian residents and businesses waste collection services each week at over 100 sites and facilities across Australia. This includes vital local waste contracts for Penrith City Council, City of Parramatta Council, Liverpool City Council, Campbelltown City Council, Camden Council, Blacktown City Council and Fairfield City Council.

SUEZ is also active in water and wastewater treatment in Australia. SUEZ currently operates the water filtration plant at Prospect Reservoir, with this and other potable water treatment facilities supplying over 7 million Australians with clean water every day. We also provide wastewater treatment servicing over 3.5 million people daily.

SUEZ' ongoing role in the Western Sydney Aerotropolis area

SUEZ' owns and operates the Kemps Creek Resource Recovery Park at Badgerys Creek, NSW. This facility encompasses the Elizabeth Drive Landfill and the SUEZ Advanced Waste Treatment (SAWT) facilities. These facilities service councils, government agencies, businesses and individuals across the Sydney basin and beyond.

The SAWT facility accepts general waste from several Sydney councils. This facility sorts waste, intercepting recyclable materials and green waste, and diverting substantial volumes of waste from landfill. As such, this facility is a critical component of the existing and future circular economy in the Aerotropolis and within Sydney more broadly.

The Elizabeth Drive Landfill has operated in its current location since the early 1990s, originally commencing life as a shale and clay quarry. Over time the void created by quarrying has been used to accept commercial and industrial waste, primarily from businesses around the Sydney basin. The landfill includes both non-putrescible general solid waste and restricted solid waste cells, with the latter being the only publicly available restricted waste landfill in NSW. The site also accepts asbestos waste, and has played a key role recently in accepting waste from many natural disasters including the recent fires. As such the landfill plays an important role in Sydney's essential waste management network, being one of only a handful of landfill sites in the city.

The Kemps Creek Resource Recovery Park also includes a small renewable energy generation facility. This comprises two 1.4 megawatt engines powered by the combustion of landfill gas. This has operated on the site since 2013.

SUEZ' operations at the Kemps Creek Resource Recovery Park are planned to continue into the future. This includes continued operation of both the SAWT and the Elizabeth Drive Landfill, with the latter being subject to a 30 year commitment for aftercare once the landfill ceases to accept waste and the site is capped. It should be noted that landfilling operations are not time limited, with the remaining life of the landfill dependent on the rate of waste input.



With Sydney's population growing, the demand for the landfill capacity around the city is expected to increase. This, coupled with substantial construction and development activity, has presented the need for the Elizabeth Drive Landfill at Badgerys Creek to expand its capacity. In response SUEZ is proposing to increase the capacity of the Elizabeth Drive Landfill. SUEZ lodged a development application (DA) for the expansion of the Elizabeth Drive Landfill in mid-2019. That DA proposes to increase the final capped height of the landfill from a height of 80 m AHD to 95 m AHD. This would entail a change to the approved landform which is expected to be visually imperceptible from that of the currently approved final landform.

The proposed expansion of the landfill would increase its capacity by approximately 5 million cubic metres, within the same approved footprint and without construction of any new waste cells. The proposed expansion would extend the life of the landfill by approximately 5½ years. The expansion would not involve changes to the existing cell design, cap design or waste disposal methods, including environmental management and operation of the site generally.

It should be noted that the landfill is located immediately below the take-off and landing path for aircraft using the new Western Sydney International (Nancy-Bird Walton) Airport. Despite this, neither the expanded landfill surface, nor any operational equipment, would protrude into the obstacle limitation surface (OLS) associated with the airport.

SUEZ' DA is currently being assessed by Penrith City Council (PCC) and will be ultimately determined by the Sydney Western City Planning Panel. SUEZ is currently working with PCC and the EPA to clarify the outcome of the environmental impact assessment with a view to an imminent determination.

The Western Sydney Aerotropolis Planning Package

Noting its existing and significant future commitments to the site, SUEZ' retains substantial interest in land use planning in and around the Western Sydney Aerotropolis. SUEZ recognises the need for the expansion of airport operations within the Sydney basin and commends the strategic approach to land use planning around the future airport adopted by DPIE and the Western Sydney Planning Partnership more generally. In response to the Planning Package released by DPIE, SUEZ provides the following comments:

- SUEZ notes the strategic nature of the Western Sydney Aerotropolis Plan (WSAP) and its intention to guide land use designations throughout the Aerotropolis. Within this plan, SUEZ' existing Kemps Creek Resource Recovery park straddles land to be zoned as 'Enterprise' and 'Environment and Recreation'. However, all current and proposed activities within the site are located within the land to be zoned as 'Enterprise'. SUEZ notes the intended future development direction of the Enterprise zone and its intention to transition over time to 'higher order' industries. This is welcomed, providing that the initial and eventual land uses are appropriately planned so as not to disrupt or limit SUEZ' existing operations. This may include the prevention of certain land uses, which may be sensitive to odour, noise or air quality (even though such emissions from the site are very low), being located near to the boundary of the SUEZ site. This is based upon concerns that have been raised with SUEZ in the past through ongoing discussions with local residents. The fact that most of these residents moved into the area well after the commencement of operations at the SUEZ site indicates that sensitivities around amenity were not adequately considered within previous strategic planning stages. We trust that these factors will be better considered on this occasion.
- SUEZ would emphasise the need for provisions within the WSAP that clearly outline the specifics around transitional arrangements for land use development. Our position is that existing development should not be 'put on hold' while future strategic planning continues in this area. That is, if development exists, has plans for the future, and is demonstrated to be consistent with the strategic direction of the area, then a lack of final zoning /precinct plans/other related policy should not be used as an excuse to defer decision making on development plans affecting the future of that business.
- It is noted that the WSAP provides for certain development within the Aerotropolis to be referred to the Western Sydney Airport and/or the relevant Commonwealth agency for concurrence if that development might adversely affect airport operations. SUEZ does not object to this in principle, however requests that statutory timeframes are imposed on such considerations so as not to unduly delay development assessment by the consent authority. A period no greater than 28 days is suggested.
- SUEZ notes the intention to levy a Special Infrastructure Contribution (SIC) and/or a Local Infrastructure Contribution (LIC) and/or to apply value capture mechanisms as a means of funding future infrastructure development within the Aerotropolis. Recognising the critical need for upgraded infrastructure in this location, SUEZ objects to application of these levies to development applications relating to the continued operation of existing development that is unrelated to the airport or any other new surrounding land uses. SUEZ would prefer that these levies are not applied in these cases so as not to unfairly penalise the normal and ongoing operation



of existing development that preceded the Western Sydney Airport and Aerotropolis.

- It is noted that the *Draft Western Sydney Aerotropolis Discussion Paper on the Proposed State Environmental Planning Policy* outlines greater detail for land use zoning. SUEZ welcomes that 'waste or resource management facilities' are included as a permissible use in the Enterprise Zone, as well as the restriction on sensitive land uses within the Badgerys Creek initial precinct. We suggest however that a new objective is introduced for the Enterprise Zone to protect the interests of ongoing waste management and quarrying activities. This is based on the fact that these operations cannot simply move to accommodate the proposed strategic land use changes under the WSAP. It is requested that the new objective recognise the right of these businesses to carry on their lawful and existing operations in a manner that prevents them being unfairly penalised or constrained by other strategic land use changes introduced around them.
- The SEPP makes reference to 3 km, 8 km and 13 km airport sensitivity contours. Noting that the 3 km contour passes directly through the middle of the SUEZ site, it is not clear what specific management measures would be imposed within each contour band. It is understood that these would regulate wildlife attracting development, though SUEZ requests further detail on what this means and how the operation of the Elizabeth Drive Landfill may be affected, both prior to, and post-final capping.
- Within the *Draft Western Sydney Aerotropolis Development Control Plan 2019 – Phase 1 (DCP)*, SUEZ welcomes the requirement for interface treatments on land adjoining existing lawful resource recovery industries. We suggest however that:
 - sites near to our facility are required to be master planned appropriately so as to avoid the need for interface treatments in the first place
 - should interface treatments still be required, that the DCP provides suitable detail on the nature of these treatments, and that such treatments are accommodated and funded by the new, encroaching development, and do not adversely affect the ability for SUEZ to continue operations within the site
 - the reference to 'resource recovery industries' be amended to 'waste management and resource recovery facilities' so as to capture the full breadth of operations within our site.
- SUEZ welcomes the inclusion of performance outcomes within the DCP that ensure that new sensitive land uses are adequately separated from existing or approved land uses that may have odour or air quality emissions. We suggest that such a performance outcome is also included for noise emissions.
- SUEZ reiterates the critical nature of ongoing waste management services to the community in general. SUEZ suggests that 'waste management' is included as a critical utility within the 'Services and utilities' section of the DCP, and that relevant performance objectives are provided recognising the importance of ongoing waste management operations in this location.

Conclusion

SUEZ reiterates its intention to continue to operate waste management services out of the Kemps Creek Resource Recovery Park into the future. As outlined above, we request that ongoing land use planning for the Aerotropolis recognise the ongoing presence of SUEZ' activities and ensure that our interests are not unduly disadvantaged or constrained by the transformation of the region.

Recognising our position at the heart of this once in a generation transformation, SUEZ emphasises its interest to continue to consult with the Planning Partnership, DPIE and other relevant agencies during the preparation of the precinct plans and beyond. By nature of our operation and our location we are in a unique position to provide substantial benefit to the strategic planning of this region into the future, as well as playing a critical role in the region's proposed circular economy. We look forward to working with you and welcome the opportunity for further consultation.

Yours sincerely

Phil Carbins

State Strategy & Program manager NSW/ACT