



19 July 2021

Mr David Schwebel  
Industry Assessments  
NSW Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Dear David,

**Proposed State Significant Development (SSD-9138102) – Westlink Industrial Estate  
Response to Application**

We are writing in response to the public exhibition of the State Significant Development Application for an Industrial Estate (Proposed Development) at 290-308 Aldington Road, 59-62 Abbots Road and 63 Abbots Road, Kemps Creek (Lots 11-13 DP 253503) (Site).

Western Sydney Airport (WSA) has had an opportunity to review the documentation. While detailed comments are provided in the sections below, WSA's position is that:

- Conditions should be imposed on any consent in respect to airspace operations, noise, wildlife management and monitoring.
- The mitigation measures should be updated to include wildlife management.
- The size of the onsite detention pond should be clarified and consistently applied throughout the EIS documentation.
- A condition should be imposed limiting the size of the initial development, consistent with the advice within the Construction Traffic Management Plan.

**Consultation with Western Sydney Airport (Section 4 of EIS and Appendix H)**

Whilst the consultation outcomes report (Appendix H) indicates that WSA was invited to attend the stakeholder workshop, WSA has no record of receiving an invitation to the workshop. No other engagement has occurred with Western Sydney Airport.

**Western Sydney Aerotropolis Plan (WSAP) and Phase 1 Development Control Plan (DCP)**

Whilst an assessment of the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 has been undertaken, no assessment has been undertaken against the aviation safeguarding provisions contained within the WSAP (Section 5) or the Phase 1 DCP (Section 4.1).

**Aircraft Noise (Section 5.3.1 of EIS)**

The site is located within 20-25 and 25-30 ANEC contours. Whilst the proposed development is permitted within these contours, it is necessary to ensure appropriate construction standards are achieved to mitigate noise impacts for workers at the site.



It is noted that the Aircraft Noise Assessment (Appendix L) has found that no further treatment to the proposed buildings would be required to comply with AS2021:2015 internal assessment requirements, indicating that the development will be compliant. Despite this, the following recommendation should be imposed to ensure the standards are achieved.

*Recommendation: Any approval is to contain the following condition:*

*Buildings are to be constructed to comply with AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and Construction.*

### **Wildlife Attraction (Section 5.3.3 of EIS)**

The site is located within the 8km wildlife buffer for Western Sydney Airport. The proposed development does have the potential to attract wildlife to the site through the proposed landscaping, onsite detention basin, waste management (during construction and operations). A review of the landscape plans should be undertaken by an appropriately qualified ecologist to ensure the landscape species selected minimise wildlife attraction.

#### On-site detention basin and temporary bio-retention and sedimentation detention basin

Insufficient detail has been provided within the EIS to identify how the onsite detention basin and temporary bio-retention basin and sedimentation basin will be designed, managed and monitored to minimise wildlife attraction. It is noted that there is conflicting information through the EIS documentation in relation to the size of the on-site detention basin, but assuming it is 10, 974m<sup>2</sup>, it does have the potential to attract wildlife.

#### Waste Management Plan (Appendix W of EIS)

The waste management plan submitted with the application does not adequately identify how waste (during construction and operations) will be designed, managed and monitored to manage wildlife attraction. This will need to address the green waste stored on the site during construction, the compost area for food waste, any external storage of organic waste and the design of all external waste receptacles on site.

*Recommendation: Any approval is to contain the following condition:*

*A wildlife management and monitoring plan is to be prepared by a suitably qualified aviation ecologist.*

*The plan must address:*

- *Design, management and monitoring of the onsite detention basin and temporary bio-retention and sediment basins.*
- *Landscaping species selection and maintenance.*
- *The design and management of waste storage areas/receptacles during construction and operational phases.*
- *External handling and storage of organic materials.*
- *Any compost areas for food waste.*
- *Monitoring and management of any wildlife.*



*All recommendations from the wildlife management and monitoring plan must be implemented. The detention basins, landscape plan and waste management plan are to be amended to include any recommendations from that plan.*

#### **Airspace Operations (Section 5.3.4 of EIS)**

The proposed development has a maximum building height of RL 80m, which is beneath the RL 190 – 210m Obstacle Limitation Surface (OLS) that applies to the site. However, it should be noted that the *Airports Act 1996* covers any intrusions into prescribed airspace, which could include:

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

If it is likely that any of the above components would result in an impact on protected airspace, then approval will need to be obtained in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.

To ensure no construction activity (including cranes) or future uses of the proposed buildings impact on protected airspace, a standard condition should be applied.

*Recommendation: Any approval is to contain the following condition:*

*Pursuant to Section 183 of the Airports Act 1996 and Clause 7 of the Airports (Protection of Airspace) Regulations 1996, development resulting in a temporary, physical or transient obstruction of protected operational airspace of the Airport must obtain approval for a controlled activity.*

#### **Mitigation Measures (Section 7.0 of EIS)**

The identified mitigation measures do not address aviation safeguarding and particularly wildlife management.

*Recommendation: The list of mitigation measures associated with the proposed works must be updated to address wildlife management following the preparation of the wildlife management and monitoring plan.*

We trust the above advice will be considered in any information request to the applicant and when imposing any conditions of consent. If you have any questions, please do not hesitate to contact WSA to discuss the matters raised above.

Yours Sincerely,

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

**Kirk Osborne**

Executive Manager, Land Use Planning and Approvals