

Chapter 4

Statutory context

4 Statutory context

4.1 Introduction

This chapter identifies the statutory context that applies to the WSERRC proposal and the land on which the WSERRC would be built, including:

- The permissibility of the proposal on the site
- The development assessment pathway and consent authority
- Relevant NSW legislation
- Relevant Commonwealth legislation
- Matters to be considered by the consent authority
- How the proposal meets the relevant requirements.

Several additional projects referred to as related development are required to support the operation of the WSERRC. These will be assessed and determined through separate approval processes because the scope of related development is not sufficiently developed to allow a detailed assessment of environmental impacts to be undertaken at this stage and/or they are assessed under a different planning pathway to WSERRC. Refer to **Chapter 22 Related development** for more details on these developments that are not part of the scope of this proposal.

4.2 Permissibility

The State Environmental Planning Policy Western Sydney Parklands 2009 (WSP SEPP) is the principal environmental planning instrument (EPI) controlling development and land use planning in the Parklands. Its aim is to put in place development controls that would enable the Western Sydney Parklands Trust (WSPT) to develop a multi-use urban parkland for Western Sydney. All land in the Parklands is unzoned. All forms of private development other than residential or exempt development are permitted with consent. The provisions of specific Local Environmental Plans (LEPs), including the Blacktown LEP 2015, do not apply to the WSP as per clause 6 (1) of the WSP SEPP.

The WSERRC can be characterised as electricity generating works (EGW), defined in the dictionary to the Standard Instrument Principal Local Environmental Plan (SIPLEP) as ‘*a building or place used for...making or generating electricity*’.

The SIPLEP also identifies a category of development called waste or resource management facility (WRMF).

A WRMF includes a resource recovery facility (RRF) defined as:

'a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration'.

The metals recovery component of WSERRC fits within the definition of resource recovery.

WSP SEPP describes its relationship with State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) as:

- The development controls in Part 3 of the ISEPP apply as if the WSP were in a prescribed zone under ISEPP.
- Part 3, division 4 and division 23 of the ISEPP confirm that EGW and WRMF are permissible with consent in a prescribed zone.

Therefore, the ISEPP applies and EGW and WRMF land uses are permissible with consent in the WSP, including the proposed site. A decision to grant development consent is available to the consent authority, subject to the application demonstrating the merits of the proposal.

4.3 Assessment pathway and consent authority

The WSERRC will be assessed and determined under division 4.7 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) because of its classification as State significant development (SSD).

Clause 20 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) declares that EGW, using any energy source, including gas, coal, biofuel, distillate, waste, hydro, wave, solar or wind power, are SSD if they have a capital investment value (CIV) of more than \$30m. The estimated CIV for the proposal is around \$645m. A statement of CIV is included in **Appendix D Statement of CIV**. WSERRC is therefore SSD for the purposes of Schedule 1 of the SRD SEPP.

As the site is located in the WSP, it is also classified as SSD under Schedule 2 of the SRD SEPP as it is development that has a CIV of more than \$10m on land identified as being within the WSP on the WSP Map within the meaning of State Environmental Planning Policy (Western Sydney Parklands) 2009.

This means the WSERRC will be assessed in line with the provisions in division 4.7 of Part 4 of the NSW EP&A Act.

The consent authority for SSD is either the Minister for Planning and Public Spaces or the Independent Planning Commission (IPC). The IPC is the consent authority where the proposal is a:

- (a) development in respect of which the council of the area in which the development is to be carried out has duly made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 to the Act,*
- (b) development in respect of which at least 50 submissions (other than from a council) have duly been made by way of objection under the mandatory requirements for community participation in Schedule 1 to the Act,*
- (c) development the subject of a development application made by a person who has disclosed a reportable political donation under section 10.4 to the Act in connection with the development application.*

For the purposes of calculating the number of submissions, each of the following is to be counted as one submission:

- A petition
- Any submissions that contain the same or substantially the same text.

4.4 Relevant NSW legislation

4.4.1 Environmental Planning & Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000

The EP&A Act is the principal piece of legislation relating to the assessment and determination of development in NSW. An assessment of how the proposal meets the objects of the Act is included in **Chapter 25 Evaluation and conclusions**.

An application for SEARs was lodged with DPIE on 13 November 2019 and SEARs were issued on 12 December 2019. This EIS has been prepared in line with the SEARs, with a checklist of where in the EIS each SEAR has been addressed (**Appendix A**).

As SSD, the proposal will be assessed and determined under division 4.7 of the Act.

Section 4.41 of the Act lists authorisations that are not needed for SSD for which a development consent has been received. Authorisations under this section that are likely to be relevant to WSERRC are:

- (g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000.*

Section 4.42 of the Act lists authorisations that cannot be refused if necessary, for carrying out SSD for which a development consent has been received. Such authorisations are to be substantially consistent with the consent. Authorisations under this section that are relevant to WSERRC are:

(e) an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act).

The *Environmental Planning and Assessment Regulation 2000* contains key operational provisions for the NSW planning system. The requirements and provisions for EISs are set out in Schedule 2 of the regulation. Clauses 6 and 7 of the Schedule set the form and content of an EIS. **Table 4.1** describes where the form and content requirements set out in clauses 6 and 7 are dealt with in this EIS.

Table 4.1: Schedule 2 of the EP&A Regulation 2000

Regulation	WSERRC EIS
Clause 6 Form of environmental impact statement	
(1) An environmental impact statement must contain the following information:	
(a) the name, address and professional qualifications of the person by whom the statement is prepared	Refer to the Certification page
(b) the name and address of the responsible person	Refer to Section 1.4 of Chapter 1 Introduction
(c) the address of the land (i) in respect of which the development application is to be made, or (ii) on which the activity or infrastructure to which the statement relates is to be carried out	Refer to Section 1.3 of Chapter 1 Introduction
(d) a description of the development, activity or infrastructure to which the statement relates	Refer to Chapter 3 Proposal description
(e) an assessment by the person by whom the statement is prepared of the environmental impact of the development, activity or infrastructure to which the statement relates, dealing with the matters referred to in this Schedule	This EIS
(f) a declaration by the person by whom the statement is prepared to the effect that (i) the statement has been prepared in accordance with this Schedule, and (ii) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates, and (iii) that the information contained in the statement is neither false nor misleading.	Refer to the Certification page

Regulation	WSERRC EIS
Clause 7 Content of environmental impact statement	
(1) An environmental impact statement must also include each of the following:	
(a) a summary of the environmental impact statement	Refer to the Executive Summary
(b) a statement of the objectives of the development, activity or infrastructure	Refer to Section 1.2 of Chapter 1 Introduction
(c) an analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure	Refer to Section 2.6 of Chapter 2 Strategic context
(d) an analysis of the development, activity or infrastructure, including:	Refer to Chapter 3 Proposal description
(i) a full description of the development, activity or infrastructure, and	
(ii) a general description of the environment likely to be affected by the development, activity or infrastructure, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and	Refer to Chapter 7 Environmental assessment scope
(iii) the likely impact on the environment of the development, activity or infrastructure, and	Refer to Chapters 7 to 23
(iv) a full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and	Refer to Chapter 24 Summary of management and mitigation measures
(v) a list of any approvals that must be obtained under any other Act or law before the development, activity or infrastructure may lawfully be carried out,	Refer to Chapter 4 Statutory context
(e) a compilation (in a single section of the environmental impact statement) of the measures referred to in item (d)(iv),	Refer to Chapter 24 Summary of management and mitigation measures
(f) the reasons justifying the carrying out of the development, activity or infrastructure in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development set out in subclause (4). Note. A cost benefit analysis may be submitted or referred to in the reasons justifying the carrying out of the development, activity or infrastructure.	Refer to Chapter 25 Evaluation and conclusions
(2) Subclause (1) is subject to the environmental assessment requirements that relate to the environmental impact statement.	Refer to Appendix A SEARs Checklist

4.4.2 Other NSW legislation

Table 4.2. describes other NSW legislation relevant to the proposal.

Table 4.2: Other NSW legislation relevant to the proposal.

NSW legislation	Overview and relevance
Protection of the Environment Operations (POEO) Act 1997	<p>The Act is the main legislation regulating pollution control and management of waste.</p> <p>It states that persons carrying out scheduled activities must hold an Environment Protection Licence (EPL) which sets up requirements for managing and reporting on the environmental performance of an activity.</p> <p>The proposal will be a scheduled activity for the purposes of the Act and will need an EPL. The relevant activities in Schedule 1 of the POEO Act include:</p> <ul style="list-style-type: none"> • Energy recovery from general waste (clause 18) • Thermal treatment of general waste (clause 40) • Waste storage (clause 42). <p>A suitable operator with experience in managing an EfW facility and complying with relevant environmental regulations will be appointed to partner with Cleanaway to operate the proposal. The selected operator will need to demonstrate they are eligible to hold an EPL, having regard to the requirements of the POEO Act including clause 45 (f) which states: whether the person concerned is a fit and proper person.</p> <p>Fit and proper persons are defined by reference to criteria in clause 83 of the POEO Act which include the environmental compliance record, the technical competency, the character honesty and integrity and financial capacity of the person who will hold the EPL.</p>
Waste Avoidance and Resource Recovery (WARR) Act 2001	<p>The Act aims to encourage the most efficient use of resources and to reduce environmental harm in line with the principles of ecologically sustainable development. It also aims to make sure that resource management options are considered against the waste management hierarchy:</p> <ol style="list-style-type: none"> i. Avoidance of unnecessary resource consumption ii. Resource recovery, including reuse, reprocessing, recycling and energy recovery iii. Disposal. <p>An assessment of the proposal against the objectives and requirements of the WARR Act is covered in Chapter 2 Strategic context.</p>
The Protection of the Environment Operations (Waste) Regulation 2014	<p>The Waste Regulation was introduced to improve the EPA's ability to protect human health and the environment. Specific provisions relevant to the proposal include:</p> <ul style="list-style-type: none"> • The Regulation sets the contributions to be paid by the occupiers of scheduled waste facilities for each tonne of waste received at the facility or generated in a particular area. • Provides for certain reporting and record-keeping requirements about scheduled waste facilities. <p>An assessment of how the proposal will meet the requirements of the regulation is given in Section 4.2 of Technical report C Waste and Resource Management Assessment.</p>

NSW legislation	Overview and relevance
Protection of the Environment Operations (Clean Air) Regulation 2010	Sets statutory emission limits and operating requirements for industrial plant and activities. The proposal's compliance is covered in Technical report A Air Quality and Odour Assessment Report .
Biodiversity Conservation Act 2016	The Act creates a framework for assessing and offsetting biodiversity impacts from proposed development, including the management and protection of listed threatened species. As the site has habitat protected under the Act, a biodiversity assessment in line with the Act has been carried out and is documented in Technical report Q Biodiversity Development Assessment Report .
Fisheries Management Act 1994	<p>The Act provides for the protection and management of aquatic species, mainly fish, from commercial and recreational fishing. Part 7 of the Act deals with the protection of aquatic habitat and Part 7A deals with threatened species conservation.</p> <p>No threatened flora or fauna under the Act are mapped within the site and/or are likely to occur. The proposal will not involve any waterway crossings with works limited to channel works within a first order stream only. As such, approval under the Act is not likely to be needed. Refer to Technical Report Q.</p>
National Parks and Wildlife Act 1974	<p>The Act aims to protect the State's natural and cultural heritage. It is the main legislation relied on within the State to effectively manage and protect the State's Aboriginal cultural heritage.</p> <p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared (Technical Report O and Chapter 19 Heritage), and the proposal area exhibits a very low sensitivity for Aboriginal archaeological sites and has high levels of previous disturbance. The archaeological potential of the proposal area is as very low.</p>
Heritage Act 1977	<p>This Act is the main legislation relied on within the State to effectively manage and protect the State's non-Aboriginal cultural heritage.</p> <p>Non-Aboriginal heritage is discussed in Section 19.3.2 of Chapter 19 Heritage, which states that there are no non-Aboriginal heritage features located at or close to the site which could be potentially impacted by the proposal.</p>
Biosecurity Act 2015	<p>This Act aims to protect natural resources from the negative impact of pests, disease, weeds and contaminants. All plants are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose.</p> <p>The requirements of the Act regarding containing and disposing of weed material during vegetation clearance have been covered in the Vegetation Management Plan (VMP) in Appendix G to the Biodiversity Development Assessment Report (Technical report Q).</p> <p>The proposal involves the transportation and handling of waste onsite. Waste will be delivered to the site by enclosed waste delivery vehicles. A Waste Vehicle Inspection bay will be adjacent to the weighbridges which is where inappropriate waste loads will be detected. Waste is then unloaded into the waste storage bunker where it begins the EfW process.</p>

NSW legislation	Overview and relevance
	<p>The facility will only accept residual waste, so green waste should not be coming through the facility. Due to the standard operating procedures in place at the facility and the nature of both the waste stream being processed and how it is being processed (combustion in an enclosed facility), the Biosecurity Act is unlikely to apply to site operations.</p>
Roads Act 1993	<p>Approval under section 138 of the Act is required to impact on or carry out work on or over a public road. The proposal will not impact on a public road, however, the proposed access road which will be assessed and determined through a separate approval process as described in Chapter 22 Related development will impact on the Austral Bricks Road. This is described further in Chapter 22.</p>
Western Sydney Parklands Act 2006	<p>Under Part 4, division 1, clause 22, land does not form part of the Parklands unless the land is Trust land or land of a government agency.</p> <p>Clause 2(j) of the WSP SEPP allows for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the <i>Western Sydney Parklands Act (WSP Act) 2006</i>.</p> <p>Table 4.3 assesses the proposal against section 12 of the Act and it shows that the proposal does not adversely affect the ability of the Trust to carry out its functions.</p> <p>Table 4.3 also includes an assessment against section 19 of the Act which describes the functions of the Trust regarding roads in the Parklands.</p>
Contaminated Land Management Act 1997	<p>The purpose of this Act is to establish a process for investigating and remediating contaminated land.</p> <p>A Detailed Site Contamination Investigation (DSI) was carried out and is documented in Technical report G. The investigation concluded that all soil, water and gas concentrations were within the adopted site assessment criteria, except for asbestos impacted soils, asbestos containing materials (ACM) found in near surface soil and lead beneath one of the workshops. A draft Remediation Action Plan (RAP) (see Technical report G2) was prepared for the site and will be carried out to make the site suitable, from a contamination risk perspective, for the proposed land use before building and in line with SEPP 55.</p> <p>In addition, when first acquiring the site, it was found that the proposal site had an Individual Biosecurity Direction (IBD) due to the site having been detected previously for Salmonella Enteritidis (SE) due to past poultry activities. A letter was received from the Department of Industries (DPI) dated 26 May 2020 which stated ‘<i>The NSW DPI Chief Veterinary Officer has approved the status of your property to change from a SE Infected Premise to a Resolved Premise, as you have completed decontamination and 2 sets of SE negative clearance sampling</i>’ and therefore the Individual Biosecurity Direction has been revoked on the proposal site.</p>

NSW legislation	Overview and relevance
Water NSW Act 2014	<p>This Act establishes a framework for the efficient, effective, safe and financially responsible use of water.</p> <p>The site access will be over the Warragamba pipeline. However, site access works do not form part of this EIS and is discussed in Chapter 22 Related development.</p> <p>Vibration impacts to the Warragamba Pipeline will be avoided by carrying out a Construction Noise and Vibration Management Plan (CNVMP), which includes a construction vibration monitoring programme. The purpose of the monitoring programme is to avoid vibration over set criteria. Trigger levels will be established, which when reached, will stop any work. Work will only continue with alternative construction methods so that any vibration impacts are avoided (see Chapter 13 Noise and vibration). Similarly, erosion and sediment controls will be applied to minimise impacts resulting from water runoff are mitigated (see Chapter 11 Soils and water).</p>
Water Management Act 2000	<p>The objective of this Act is to provide for the sustainable and integrated management of the State water sources. The Act includes provisions for protecting and enhancing the environmental qualities of waterways and their catchments.</p> <p>The proposal won't interact with waterfront land. The proposal (by building the bunker) will intercept the groundwater table and is not expected to need a licence for aquifer interference under the Act.</p>
Pesticides Act 1999	<p>The Act controls the use of pesticides in NSW. It aims to reduce risks to human health, the environment, property, industry and trade promote collaborative and integrated policies for pesticide use.</p> <p>Any use of pesticides will comply with the Pesticides Regulations under this Act.</p>
Public Health Act 2010	<p>The objectives of this Act are to:</p> <ul style="list-style-type: none"> • Promote, protect and improve public health • Control the risks to public health • Promote the control of infectious diseases • Prevent the spread of infectious diseases • Recognise the role of local government in protecting public health • Monitor diseases and conditions affecting public health. <p>The proposal will protect public health by ensuring appropriate mitigation measures are in place to avoid impacts to human health from air quality impacts or hazards and risks. (See Chapter 8 Air quality and odour, Chapter 9 Human health risk and Chapter 14 Hazards and risks).</p>

Table 4.3 gives a summary assessment of the proposal against section 12 and 19 of the WSP Act.

Table 4.3: An assessment of the proposal against section 12 and 19 of the WSP Act

Regulation	WSERRC EIS
Section 12 Functions – generally	
(1) The principal function of the Trust is to develop the Parklands into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the Parklands on an ongoing basis.	The vision and future land use for the Western Sydney Parklands is described in the Western Sydney Parklands Plan of Management 2030 which includes plans for each of the 16 precincts. The proposal is consistent with the objectives and future land uses for the Wallgrove Precinct as described in the Chapter 2 Strategic context .
(2) The Trust also has the following functions: (a) to conserve, restore and enhance the natural environment of the Parklands, including through the protection of remnant bushland and the restoration of vegetation or revegetation,	The site is located on the western periphery of the Parklands in an area that is previously disturbed and is home to industrial and waste management facilities. Since acquisition of the site, the owners have arranged for cleaning of the site to address historical salmonella contamination associated with the previous use of the site as a poultry production facility. Development of the proposal will include clearing of weeds along the drainage channels in the site and realignment and planting of the overland flow path along the Eastern boundary to reflect natural conditions. Water quality treatment measures will improve the quality of water leaving the site, draining into Reedy Creek and Eastern Creek further north. Species within the threatened Cumberland Shale Plains Woodland vegetation class are native to the proposal site. However, the existing site is degraded and dominated by exotic grass and weeds, with small patches of regrowth in poor to very poor condition. It is the aim of the planting design for the proposal to restore and celebrate this native vegetation by use of tree, shrub, grass and riparian species. A Vegetation Management Plan has been prepared which describes the approach to vegetation management including specification of native planting consistent with the biodiversity of the Parklands.
(b) to conserve, restore and enhance the cultural and historical heritage of the Parklands, including its Indigenous heritage and its scenic qualities,	The proposal has very low potential to impact both Aboriginal and non-Aboriginal heritage. Refer to Chapter 19 Heritage . Although the archaeological potential of the proposal area is assessed as very low. There is still potential for the cultural and historical heritage of the WSPs to be interpreted and incorporated in detailed design, including, but not limited to plaques, murals, paving and visitors centre display.

Regulation	WSERRC EIS
(c) to provide or facilitate the provision of a diverse range of recreational, entertainment and tourist facilities and opportunities in the Parklands, such as major sporting facilities, private amusement and recreational attractions and accommodation,	The proposal is consistent with the future land uses identified for the Wallgrove Precinct including recycling and renewable energy. In addition, the proposal will include a visitor and education centre that will be an education resource to raise awareness of the principles of waste management, waste avoidance, the circular economy, recycling, resource recovery and EfW.
(d) to cater, at a regional level, for a diverse range of community interests, organisations and groups, including through the provision of facilities such as multi-use community halls,	The proposal will include a visitor and education centre that will be an education resource to raise awareness of the principles of waste management, waste avoidance, the circular economy, recycling, resource recovery and EfW.
(e) to facilitate the use of the Parklands to meet community health needs and provide opportunities for, and encourage, activities that promote health and well-being in the community,	The proposal does not interfere with the ability of the Trust to carry out this function.
(f) to encourage and promote public access to and use and enjoyment of the Parklands where appropriate,	The proposal will include a visitor and education centre to offer education through a world-class visitor centre experience and facility tour which will encourage visitors to the WSP. The landscape design allows for an attractive site for visitor experience, from the entrance and along the eastern area to the visitor's centre.
(g) to facilitate and promote the use of the Parklands for education and research (such as scientific research), including the provision of facilities for these purposes (such as camping facilities, learning centres and accommodation),	The proposal will include a visitor and education centre that will be an education resource to raise awareness of the principles of waste management, waste avoidance, the circular economy, recycling, resource recovery and EfW.
(h) to ensure that government agencies and State-owned corporations continue to have access to major service infrastructure within the Parklands,	<p>The Greater Sydney Region Plan and Central City District Plan emphasise the importance of developing a city that is serviced by infrastructure. The WSERRC will offer a critical infrastructure service to the people and businesses of Western Sydney by providing a waste management service and generating baseload energy, part of which is categorised as renewable.</p> <p>The WSERRC will be of service to local councils who are responsible for the management of waste.</p>

Regulation	WSERRC EIS
(i) to maintain the rural character of parts of the Parklands by allowing sustainable agriculture, horticulture or forestry in the Parklands,	The site has an industrial and agricultural history having previously been used for poultry production and is surrounded by waste infrastructure limiting the recreational and amenity value of the site. The site has been historically contaminated with the site having previously been detected for Salmonella Enteritidis (SE) due to past poultry activities (which has since been rectified) and asbestos and lead was also found during the DSI which will need to be remediated before the land being used. By using a parcel of land with limited value due to adjoining industry and contamination, it is avoiding other areas in the Western parklands that are better suited for agriculture, horticulture and forestry.
(j) to undertake or provide, or facilitate the undertaking or provision of, commercial, retail and transport activities and facilities in or in relation to the Parklands with the object of supporting the viability of the management of the Parklands.	The proposal does not interfere with the ability of the Trust to carry out this function.
(3) The Trust may do all such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise of its functions, including, for example, merchandising or the sale of the Trust's expertise in relation to any matter for the purpose of raising funds for its operations.	The proposal does not interfere with the ability of the Trust to carry out this function.
(4) (Repealed)	Not applicable.
(5) In carrying out its functions, the Trust is to have regard to the principles of sustainable development, including ecologically sustainable development.	The proposal contributes to the sustainable management of valuable resources that would otherwise have been disposed to landfill, and in doing so creates a source of renewable energy. The design of the proposal has incorporated ESD principles. Details of how these principles have been considered and applied can be found in Chapter 25 Evaluation and conclusions.
(6) The Trust may, with the consent of the Minister, exercise functions on or in relation to land outside the Parklands (including, for example, acquiring any such land). The consent of the Minister is to be given only if the Minister is satisfied that the exercise of the Trust's functions in relation to that land is consistent with the exercise of its functions in relation to the Parklands.	The proposal does not interfere with the ability of the Trust to carry out this function.
(7) The Trust has such other functions as are conferred or imposed on it by or under this or any other Act.	The proposal does not interfere with the ability of the Trust to carry out this function.

Regulation	WSERRC EIS
Section 19 Roads¹	
(1) A road that is or would be situated in the Parklands cannot be provided, opened, dedicated, closed (within the meaning of Part 4 of the <i>Roads Act 1993</i>) or realigned by the Crown, a public authority or any person except with the consent of the Trust.	The proposal will need upgrades to and building of entry and exit to the site, to accommodate the proposal's traffic movements. However, site access works do not form part of the scope of this proposal and this is discussed in Chapter 22 Related development .
(2) Except as provided by subsection (1), this Part does not affect the application of the <i>Roads Act 1993</i> or any other Act to any such road.	Noted.

Other NSW legislation approvals which may be required

Other approvals that may be needed but are not related to the environmental planning and assessment process, include approvals under the following legislation:

- *Electricity Supply Act 1995*
- *Scrap Metal Industry Act 2016*.

4.4.3 Relevant State Environmental Planning Policies

Table 4.4 lists the state environmental planning policies (SEPP) that are relevant to the proposal or the land on which the proposal would be built.

Table 4.4: State environmental planning policies relevant to the proposal

SEPP	Overview and relevance
SEPP (Infrastructure) 2007	Creates a planning framework for the development of infrastructure. ISEPP is a basis for the permissibility of electricity generating works as described in Section 4.2 of this chapter. ISEPP requires traffic generating developments to be referred to the NSW Roads and Maritime Services for assessment. The proposal will be traffic generating development and will be referred to RMS as described in Chapter 15 Traffic and transport .
SEPP (State and Regional Development) 2011	Creates a framework for categorising development into SSD, State significant infrastructure (SSI) and Regionally Significant Development (RSD) as well as recognising the consent authority for each type of development. As described in Section 4.3 of this chapter, the proposal is SSD as it is EGW with a CIV of more than \$30m for the purposes of clause 20 of Schedule 1 of the SEPP and is development in the WSP with a CIV of more than \$10m for the purposes of Schedule 2 of the SEPP.

¹ Section 12 of the WSP Act describes the general functions of the WSP Trust with clauses 13–21 describing specific additional functions. Section 19 Roads is the only specific function of relevance to this proposal.

SEPP	Overview and relevance
SEPP (Western Sydney Parklands) 2009	<p>Creates a framework for the planning and development of the Western Sydney Parklands.</p> <p>The SEPP identifies matters for consideration by a consent authority when assessing an application for development consent in the WSP. Section 4.6 of this chapter discusses these matters.</p> <p>Consistency with the Plan of Management 2030, including the Wallgrove Precinct Plans, is a relevant matter for consideration when assessing development within the Parklands. The consistency of the proposal with the Plan of Management is described in Table 2.3 of Chapter 2 Strategic context.</p> <p>The SEPP identifies its relationship to other EPIs. The following provisions are relevant to the proposal:</p> <ul style="list-style-type: none"> • The Blacktown LEP 1988 does not apply in the Parklands • SEPP 19 Bushland in Urban Areas does not apply in the Parklands • SEPP 64 Advertising and Signage does not apply in the Parklands • SEPP Exempt and Complying Development Codes does not apply in the Parklands • Part 3 of ISEPP apply as if the Parklands were in a prescribed zone for the purposes of ISEPP • If there is an inconsistency between WSP SEPP and SEPP 55 Remediation of Land, SEPP 55 prevails to the extent of any inconsistency.
SEPP (Coastal Management) 2018	<p>The SEPP gives effect to the objectives of the <i>Coastal Management Act 2016</i> from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the coastal zone.</p> <p>The proposal site does not fall within the coastal zone therefore the SEPP is not relevant to the proposal.</p>
SEPP (Sydney Drinking Water Catchment) 2011	<p>The SEPP aims to provide healthy water catchments and to make sure that development in the catchment areas have a neutral or positive effect (NorBe) on water quality. The proposal site is not located in the catchment area defined in the SEPP. However, the WSP SEPP applies a neutral or positive <u>impact</u> (NorBI) test to the water quality in the bulk water supply infrastructure in the WSP. The proposal has assessed compliance with this requirement of the WSP SEPP as detailed in Chapter 9 Human health risk.</p>
SEPP No 33 – Hazardous and Offensive Development	<p>Provides the basis for defining hazardous and offensive development. A screening assessment was performed which confirmed the need for a Preliminary Hazard Analysis (PHA). The PHA is included as Technical report J.</p>
SEPP No 55 – Remediation of Land	<p>The SEPP requires that land on which development is proposed is suitable for the intended use. The SEPP and guidelines set out requirements for the management of contaminated land.</p> <p>A Detailed Site Contamination Investigation (DSI) was carried out and is documented in Technical report G. The investigation concluded that all soil, water and gas concentrations were within the adopted site assessment criteria, except for asbestos impacted soils, asbestos containing materials (ACM) found in near surface soil and lead beneath one of the workshops.</p>

SEPP	Overview and relevance
	<p>A draft Remediation Action Plan (RAP) (included as Technical report G2) was prepared for the site and will be carried to make the site suitable, from a contamination risk perspective, for the proposed land use before building.</p> <p>In addition, when first acquiring the site, it was found that the proposal site had an Individual Biosecurity Direction (IBD) due to the site having been detected previously for Salmonella Enteritidis (SE) due to past poultry activities. A letter was received from the Department of Industries (DPI) dated 26 May 2020 which stated <i>'The NSW DPI Chief Veterinary Officer has approved the status of your property to change from a SE Infected Premise to a Resolved Premise, as you have completed decontamination and 2 sets of SE negative clearance sampling'</i> and therefore the Individual Biosecurity Direction has been revoked on the proposal site.</p>
SEPP No 64 – Advertising and Signage	<p>The SEPP sets out planning controls for advertising and signage in NSW. The SEPP requires signage to be compatible with the future character of an area, offer effective communication in suitable locations and be of high-quality design and finish.</p> <p>The SEPP does not apply in the WSP area. However, it will be considered as a guideline for the design of business identification signage as part of future detailed design.</p>
SEPP (Vegetation in non-rural areas) 2017	<p>The Vegetation SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Vegetation must not be cleared from non-rural areas without first getting authorisation to do so. However, such an authorisation is not required if the vegetation clearing is authorised under another approval as identified in section 60O of the <i>Local Land Services Act 2013</i>.</p> <p>An approval under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> is one of the approvals identified under section 60O.</p> <p>As the WSERRC SSD application is made under Part 4 of the Act, if approved, it would provide the necessary approval for vegetation clearing and no further authorisation under the Vegetation SEPP would be needed.</p>
Proposed Aerotropolis SEPP	<p>The Western Sydney Aerotropolis Discussion Paper on the Proposed State Environmental Planning Policy was published in December 2019. The Discussion Paper identifies a new land use framework for the Aerotropolis including measures to protect the airspace of the new Western Sydney Airport. While the proposal is located outside the proposed boundary for the SEPP, it has assessed potential impacts on protected airspace as described in Chapter 14 Hazards and risks.</p>

4.5 Relevant Commonwealth legislation

4.5.1 Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is administered by the Department of Agriculture, Water and Environment and sets up a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places defined as ‘matters of national environmental significance’ (MNES). An action that ‘*has, will have or is likely to have a significant impact on a matter of National Environmental Significance*’ may not be undertaken without prior approval from the Commonwealth Minister, as stated under Part 9 of the EPBC Act.

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World heritage properties
- National heritage places
- Wetlands of International importance
- Listed nationally threatened species and ecological communities
- Listed migratory species
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- Nuclear actions including uranium mining
- Water resources for coal seam gas or large mining development.

The purpose of a referral is to decide on whether the proposed action is a controlled action that will need further assessment and approval under the EPBC Act.

An assessment of whether the proposal may have a significant impact on any MNES or on the environment of Commonwealth land was made during the preparation of this EIS. This included a search using the Protected Matters Search Tool (PMST) and the review of the conclusions from various technical reports.

The assessment determined that the proposal is unlikely to impact any MNES. As such, a referral will not be made to the Commonwealth Minister for the Environment.

Table 4.5: Assessment of potential impacts to MNES

Matters of National Environmental Significance	Application to the Proposal Site	Relevant Section of EIS
World heritage properties	Not applicable	Not applicable
National heritage places	Not applicable	Not applicable
Ramsar wetlands of international importance	Not applicable	Not applicable
Listed threatened species and communities	Not applicable	Not applicable
Internationally protected migratory species	Not applicable	Not applicable
Commonwealth marine areas	Not applicable	Not applicable
The Great Barrier Reef Marine Park	Not applicable	Not applicable
Nuclear actions	Not applicable	Not applicable
A water resource for coal seam gas development and large coal mining development	Not applicable	Not applicable

4.5.2 Native Title Act 1993

The Native Title Act 1993 recognises that First Australians have rights and interests to land and waters which derives from their traditional laws and customs. Native title may be recognised in places where First Australians continue to follow their traditional laws and customs and have maintained a link with their traditional country. It can be negotiated through a Native Title Claim, an Indigenous Land Use Agreement (ILUA) or future act agreements.

An ILUA is an agreement between a native title group and other parties who use or manage the land and waters. The ILUA process allows for negotiation between First Australians and other parties over the use and management of land and water resources, and the ability to establish a formal agreement. An ILUA is binding once it has been registered on the Native Title Tribunal's Register of Indigenous Land Use Agreements.

The Aboriginal Cultural Heritage Assessment Report (**Technical report O**) discusses the details of Aboriginal consultation carried out for the proposal. The consultation did not raise any issues regarding Native Titles or Indigenous Land Use Agreements.

4.5.3 National Greenhouse and Energy Reporting Act 2007

The National Greenhouse and Energy Reporting Act 2007 (NGER Act) sets up a single national framework for the reporting and dissemination of information about corporate greenhouse gas (GHG) emissions, energy use and production. It makes registration and reporting mandatory for corporations whose energy production, energy use or GHG emissions meet specified thresholds.

Under the current reporting year, NGERs applies to a facility or corporate group that emits over 25,000t and 50,000t or more of greenhouse gas (CO₂-e) Scope 1 and Scope 2 emissions respectively, or produce or consume 100TJ (for a facility) or 200TJ (for a corporate group) or more of energy. Based on the reporting thresholds, Cleanaway as a corporate group entity are obligated to report under the NGER scheme on a corporate level. As a result, GHG emissions resulting from the facility will be reported under the NGER scheme through Cleanaway once the facility becomes operational. As the facility itself would produce more than 100TJ of energy (or 440 GWh, equivalent to about 1,583 TJ), the reporting threshold is met irrespective.

A Greenhouse Gas and Energy Efficiency Assessment Report has been prepared and is included as **Technical report N**.

4.5.4 Airports Act 1996

The Airports Act 1996 (the Act) creates the regulatory arrangements which apply to the airports formerly owned and operated on behalf of the Commonwealth by the Federal Airports Corporation, and Sydney West Airport.

The Federal Government protects the airspace around leased Federal airports under Part 12 of the *Airports (Protection of Airspace) Regulations 1996*.

The Act and its supporting regulation aim to make sure that the airspace that aircraft fly in is protected, is obstacle free, that there is no turbulence in the flight path, that radar and other navigational equipment can operate free of interference and that airport safety lighting is not obscured.

Protected airspace includes two sets of surface limitations, Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigational Services – Aircraft Operations (PANS-OPS) surface. As the OLS is the lowest surface and designed to protect aircraft flying into an airport from obstacles this is the most relevant for the proposal. An OLS for the Western Sydney Airport was included in the Western Sydney Airport – Airport Plan and declared on 10 October 2017. The height of the OLS relevant to the proposal site is 222.2m Australian height datum (AHD). Under the Act, constructing a building or structure that intrudes into a ‘prescribed airspace’ is referred to as a ‘controlled activity’. Relevant to the proposal this includes development, including temporary or permanent structures or intrusions such as air turbulence from stacks, that infringes on the airport’s protected airspace. The Act outlines that it is an offence to carry out a ‘controlled activity’ without an approval and such developments will be subject to conditions.

The Civil Aviation Safety Authority (CASA) was created under the *Civil Aviation Act 1988* to regulate aviation safety regulation. CASA gives advice on structures or sources of emissions that may pose a hazard to aircraft including through stack plume emissions.

Details of the proposal were made available to CASA to allow a Plume Rise Assessment to be performed. A summary of the CASA Plume Rise Assessment was received on 28 April 2020 and can be found in Appendix D to the Preliminary Hazard Analysis (**Technical report J**). The summary states that

‘based on the information presented and assumed, there will not be an infringement of an OLS for Western Sydney Airport (WSA). CASA recommends that an Acceptable Level of Safety will be achieved’.

The risk of interference with an aircraft from a plume rise is therefore considered to be negligible.

4.5.5 National Airports Safeguarding Framework

The National Airports Safeguarding Framework sets out guiding principles to minimise the amenity impacts of airports on surrounding land uses and to make sure surrounding land uses do not present a safety risk to the operation of any airport. The aspects of the NASF of relevance to the proposal are:

- **Guideline C: Managing the risks of wildlife strikes in the vicinity of airports**

The site is outside the 13km radius of an airport as a potential risk for wildlife strikes advised by Guideline C. Further, since the entire process is contained inside the facility and waste is not exposed, wildlife attraction is not expected. The site also includes means to contain the potential odours which could attract wildlife.

- **Guideline D: Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation**

Paragraph 21 of Guideline D advises that the RAAF AIS should be notified of any structure 45m or more above ground level, however according to CASA’s *AC 139-08: Reporting of tall structures and hazardous plume sources*, Airservices is now responsible for the database of tall structures.

This triggered a notification to Airservices Australia via email on 23 April 2020. An Airservices assessment was carried out for Sydney, Bankstown, Camden and Richmond aerodromes, and Westmead Hospital heliport completed on 22 May 2020 which concluded that

‘Airservices have no objections to the proposed plume rise at the proposal location’.

Further details can be found in Appendix E to the Preliminary Hazard Analysis (**Technical report J**).

- **Guideline F:** Managing the risk of intrusions into the protected airspace of airports

Attachment 3 of Guideline F describes the process that should be followed by planning authorities. Western Sydney Airport Corporation (WSA Co) was notified via email on 23 April 2020 of a potential intrusion into the protected airspace of airports. Consultation with WSA Co occurred on 22 May 2020 which included the discussion of this potential intrusion. On 28 May 2020, WSA responded with a letter stating that

'In relation to the OLS and PANS-OPS, there is no PANS-OPS designed yet for WSA and whilst it likely that the PANS-OPS surface will be at or higher than the OLS levels, this won't be known until the detailed airspace design is completed by the Commonwealth. The currently declared protected airspace for WSA is the OLS'.

Details of this letter can be found in Appendix F to the Preliminary Hazard Analysis (**Technical report J**).

As noted above, the summary of the CASA plume rise assessment stated that based on the information presented and assumed, there will not be an infringement of an OLS for Western Sydney Airport (WSA).

4.6 Matters for consideration

The general matters to be considered by a consent authority in determining a development application are described in section 4.15 of the Act. In addition, the WSP SEPP identifies matters to be considered by a consent authority when determining an application for development on land in the WSP. **Table 4.6** and **Table 4.7** assess how the proposal addresses the general matters and WSP specific matters.

Table 4.6: General matters for consideration – section 4.15 of the Act

Matter	WSERRC
<p>(1) Matters for consideration – general</p> <p>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:</p> <p>(a) The provisions of:</p> <p>(i) any environmental planning instrument that apply to the land to which the development application relates</p>	<p>Refer to Section 4.4.3 of this chapter.</p>

Matter	WSERRC
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved) that apply to the land to which the development application relates, and	There are no proposed instruments that are relevant to the proposal.
(iii) any development control plan that apply to the land to which the development application relates	Development control plans do not apply to development in the Western Sydney Parklands. The Western Sydney Parklands Trust (WSPT) developed the Plan of Management 2030 to set up the strategic framework for the Parklands and helps the WSPT in determining its priorities and actions over the coming years. The proposed site is in the Wallgrove Precinct (Precinct 6). The land use framework described in the Plan of Management identifies several land use opportunities for the WSP which are covered in Table 2.3 of Chapter 2 Strategic context.
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 that apply to the land to which the development application relates, and	The applicant has included in the EIS an offer and draft terms for a Voluntary Planning Agreement (VPA) to be entered into with Blacktown City Council (BCC) under clause 7.4 of the Environment Planning and Assessment Act 1979 (see Appendix G). Should Blacktown City Council wish to pursue the offer for a VPA, the VPA shall be publicly exhibited for 28 days in accordance with the Environment Planning and Assessment Act 1979 prior to determination of the Proposal.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates	Refer to Section 4.4 of this chapter.
(v) (Repealed)	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Refer to Chapters 7 to 23

Matter	WSERRC
(c) the suitability of the site for the development	<p>This site was identified via an extensive site screening analysis and noted as the most suitable site to develop an EfW facility for various reasons including:</p> <ul style="list-style-type: none"> • The site having previously been used for industrial purposes and the industrial and commercial nature of the surrounding land uses creating the potential for synergies with surrounding industry. • The site being an optimal size and configuration to design an EfW facility being a rectangular shaped lot. • The site avoiding existing and planned residential areas, rural land uses and future airspace restrictions. • The site's distance from sensitive residential and other receptor locations. <p>Further information can be found in Section 2.6.5.2 of Chapter 2 Strategic context.</p>
(d) any submissions made in accordance with this Act or the regulations	<p>Submissions made in response to the exhibition of the EIS will be addressed by a Response to Submissions Report.</p>
(e) the public interest.	<p>The proposal is in the public interest as it addresses two key challenges including:</p> <ul style="list-style-type: none"> • The processing and treatment of residual waste that would otherwise be sent to landfill thus supporting the NSW Government targets for landfill diversion and responsible waste management and reducing the burden of landfills on the environment and communities • Providing a source of baseload energy, part of which is categorised as renewable, contributing to NSW Government objectives for energy security and renewable energy. <p>The proposal will also include a visitor and education centre that will be an education resource to raise awareness of the principles of waste management, waste avoidance, the circular economy, recycling, resource recovery and EfW.</p> <p>Environmental impacts will be minimised by developing and operating the EfW facility to international best-practice standards that protect the health of people and the environment in the surrounding area.</p> <p>Specific public and stakeholder interests were identified through a comprehensive community and stakeholder engagement strategy (Chapter 6 Engagement), including how these interests have been considered in the EIS.</p> <p>Refer to Chapter 25 Evaluation and conclusions for an assessment of the public interest.</p>

Table 4.7: WSP SEPP matters for consideration

Matter	WSERRC
Clause 12: Matters to be considered by the consent authority—generally	
<p>In determining a development application for development on land in the Western Parklands, the consent authority must consider such of the following matters as are relevant to the development:</p> <p>(a) the aim of this Policy, as set out in clause 2</p>	<p>Refer to Table 4.8 of this chapter.</p>
<p>(b) the impact on drinking water catchments and associated infrastructure</p>	<p>The proposal will not have unacceptable impacts on drinking water catchments as detailed in Chapter 9 Human health risk.</p>
<p>(c) the impact on utility services and easements</p>	<p>The impacts on existing utilities on the site are described in Chapter 20 Utilities and services. Offsite utilities works are described in Chapter 22 Related development. The site is split into two parts by a thin strip of land not part of the proposal site, but which includes a ‘right of carriageway’ that benefits the site allowing vehicles to travel across the strip of land. The right of carriageway will not be impacted by the proposal.</p>
<p>(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities</p>	<p>The Cumberland Shale Plains Woodland found on the proposal site is consistent with the NSW <i>Biodiversity Conservation Act 2016</i> (BC Act) listed Cumberland Plains Woodland critically endangered ecological community. The vegetation within the proposal site does not meet the EPBC Act requirements as a listed TEC due to the poor condition of the vegetation and the small area of the woodland. Refer to Chapter 21 Biodiversity.</p> <p>It is the aim of the planting design for the proposal to restore and celebrate this native vegetation by use of tree, shrub, grass and riparian species.</p>

Matter	WSERRC
(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,	<p>Species within the threatened Cumberland Shale Plains Woodland vegetation class are native to the proposal site. However, the existing site is degraded and dominated by exotic grass and weeds, with small patches of regrowth in poor to very poor condition. It is the aim of the planting design for the proposal to restore and celebrate this native vegetation by use of tree, shrub, grass and riparian species.</p> <p>A VMP included as Appendix G to the Biodiversity Development Assessment Report (Technical report Q) has been prepared to guide the revegetation works and restoration of the overland flow path onsite. Existing mature native trees will be retained where possible and safe to do so, particularly along the overland flow path. Native planting within the site will provide biodiversity links to surrounding vegetation corridors.</p> <p>Refer to Chapter 21 Biodiversity and Appendix B Architecture and Landscape Design Strategy Report.</p>
(f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,	The location of the site on the western perimeter of the Parklands avoids impact on the main north-south circulation and access network that runs through the Parklands. The site is in the Wallgrove Precinct which comprises services land and industrial facilities not accessible to the public.
(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,	The proposal has been designed to minimise impacts on viewpoints. See Chapter 16 Landscape and visual and Appendix B Architecture and Landscape Design Strategy Report .
(h) the impact on public access to the Western Parklands,	The proposal does not impact on public access to the Parklands.
(i) consistency with: (i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or (ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part	An analysis of how the WSERRC is consistent and supports the objectives of the <i>Western Sydney Parkland Plan of Management 2030 – Precinct 6: Wallgrove</i> can be found in Chapter 2 Strategic context .
(j) the impact on surrounding residential amenity	Impact on residential amenity is assessed throughout the impact assessment section, Chapter 8 Air quality and odour , Chapter 13 Noise and vibration , Chapter 16 Landscape and visual and Chapter 17 Social .

Matter	WSERRC
(k) the impact on significant views	The proposal has been designed to minimise impacts on viewpoints. Chapter 16 Landscape and visual and Appendix B Architecture and Landscape Design Strategy Report .
(l) the effect on drainage patterns, ground water, flood patterns and wetland viability	The site has been designed to minimise impacts from flooding such as realignment of the overland flow path. No wetlands have been mapped within the study area. The EfW facility will require an excavation for the waste bunker of about 15m deep which may intercept and possibly obstruct shallow groundwater flow both during construction and operation. As no significant groundwater is expected to be encountered at the proposed excavation depths, the potential impacts to shallow groundwater flow are negligible. Refer to: Chapter 12 Hydrology and flooding Chapter 21 Biodiversity and Chapter 11 Soils and water .
(m) The impact on heritage items	The proposal has very low potential to impact both Aboriginal and non-Aboriginal heritage. Refer to Chapter 19 Heritage .
(n) the impact on traffic and parking.	While the proposal will increase traffic generation, the impacts on the road network and the nearest intersections on Wallgrove Road and Austral Bricks Road will maintain the same level of service as currently available. The site has also been designed to accommodate all parking demand from the proposal. Refer to Chapter 15 Traffic and transport .
Clause 13: Bulk Water Supply Infrastructure not to be impacted	
Development consent must not be granted to any development on land in the Western Parklands unless the consent authority is satisfied that: (a) the development will have a neutral or positive impact on the quality of the water in the bulk water supply infrastructure shown on the Bulk Water Supply Infrastructure Map, and	The bulk water supply infrastructure map identifies the Warragamba pipeline corridor and Prospect reservoir. The proposal will not impact on the water quality of the pipeline as it is enclosed. The impacts of the proposal on the water quality of prospect reservoir are assessed in the Human Health Risk Assessment (Technical report B).
(b) the development will not impact on the integrity or security of the bulk water supply infrastructure, and	Vibration impacts to the Warragamba Pipeline will be avoided by carrying out a Construction Noise and Vibration Management Plan (CNVMP), which includes a construction vibration monitoring programme. The purpose of the monitoring programme is to avoid vibration over set criteria. Trigger levels will be established, which when reached, will stop any work. Work will only continue with alternative building methods so that any vibration impacts are avoided (see Chapter 13 Noise and vibration).

Matter	WSERRC
	Similarly, erosion and sediment controls will be applied to minimise impacts resulting from water runoff are mitigated. (see Chapter 11 Soils and water).
(c) the development will not increase the risk of illegal access to the bulk water supply or security of the bulk water supply infrastructure, and	The site will be fully fenced and secured during construction and operation and will not increase the risk of illegal access to the bulk water supply infrastructure.
(d) access to bulk water supply infrastructure for maintenance and operation activities by Water NSW and Sydney Water Corporation will not be impeded by the development.	The proposal will not impact on the ability to maintain the Warragamba pipelines. Site access needs to be upgraded to accommodate the proposal's traffic movements and to respond to concerns of Water NSW regarding accessing the pipelines for maintenance. The proposal is to upgrade site access largely within the existing site access footprint to minimise any impacts on access to the pipeline for maintenance. However, site access does not form part of this proposal, refer to Chapter 22 Related development .
Clause 14: Development in areas near nature reserves or environmental conservation areas	
(1) This clause applies to development on land in the Western Parklands that is in, or adjoins: (a) a nature reserve (within the meaning of the <i>National Parks and Wildlife Act 1974</i>), or (b) an environmental conservation area shown on the Environmental Conservation Areas Map.	The proposal is not located on land that is in or adjoins a nature reserve or an environmental conservation area.
(2) Development consent must not be granted to development on land to which this clause applies, unless the consent authority has considered the following: (a) whether the development is compatible with and does not detract from the values of the nature reserve or environmental conservation area	The site is located on the western periphery of the Parklands in an area that is previously disturbed and is home to industrial and waste management facilities. Since acquisition of the site, the owners have arranged for cleaning of the site to address historical salmonella contamination associated with the previous use of the site as a poultry production facility. Development of the proposal will include clearing of weeds along the drainage channels in the site and realignment and planting of the overland flow path along the Eastern boundary to reflect natural conditions. Water quality treatment measures will improve the quality of water leaving the site, draining into Reedy Creek and Eastern Creek further north. A Vegetation Management Plan has also been prepared which describes the approach to vegetation management including specification of native planting consistent with the biodiversity of the Parklands.

Matter	WSERRC
(b) any management plans applicable to the nature reserve or environmental conservation area	The vision and future land use for the Western Sydney Parklands is described in the Western Sydney Parklands Plan of Management 2030 which includes plans for each of the sixteen precincts. The proposal is consistent with the objectives and future land uses for the Wallgrove Precinct as described in the Chapter 2 Strategic Context .
(c) whether the development has been designed and sited to minimise visual intrusion when viewed from vantage points in the nature reserve or environmental conservation area.	The proposal has been designed to minimise impacts on viewpoints. See Chapter 16 Landscape and visual and Appendix B Architecture and Landscape Design Strategy Report .
Clause 14A: Flood Planning	
(1) The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land (b) to allow development on land that is compatible with the land's flood hazard, considering projected changes as a result of climate change (c) to avoid significant adverse impacts on flood behaviour and the environment.	Flood modelling has demonstrated that the overland flow path and proposed changes to the site topography will not result in an increase in flood levels at neighbouring properties for flood events up to and including the 1% AEP and will not increase flood hazard at adjacent properties for events up to and including the PMF. Therefore, the proposal will not materially impact the flood risk at these properties. Refer to Chapter 12 Hydrology and flooding .
(2) This clause applies to land that is at or below the flood planning level.	The eastern portion of the site near the farm dam sits below the flood planning level.
(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and	Flood modelling has demonstrated that the overland flow path and proposed changes to the site topography will not result in an increase in flood levels at neighbouring properties for flood events up to and including the 1% AEP and will not increase flood hazard at adjacent properties for events up to and including the PMF. Therefore, the proposal will not materially impact the flood risk at these properties. Refer to Chapter 12 Hydrology and flooding .
(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and	The results of the flood assessment indicate that the proposal will not result in negative flood impacts on neighbouring properties. Refer to Chapter 12 Hydrology and flooding .
(c) incorporates appropriate measures to manage risk to life from flood, and	Under the Probable Maximum Flood (PMF) scenario assessed, the western portion of the site is shown to remain flood-free and therefore, evacuation from the facility due to PMF would not be needed. Refer to Chapter 12 Hydrology and flooding .

Matter	WSERRC
(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and	The existing overland flow path will be maintained but realigned to better manage flows onsite and reduce flooding impacts to neighbouring sites. An OSD and bioretention basin (two interconnected basins) will be developed on the site. The western portion of the basin will act as a bioretention water quality basin which are landscaped depressions or shallow basins used to slow and treat onsite stormwater runoff. The eastern portion will act as an onsite detention (OSD) basin and include an outlet structure and emergency overflow spillway. Site stormwater runoff will be discharged from the OSD basin to the overland flow path. Refer to Chapter 12 Hydrology and flooding and Chapter 21 Biodiversity .
(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	The results of the flood assessment indicate that the proposal will not result in negative flood impacts on neighbouring properties. Refer to Chapter 12 Hydrology and flooding .
(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published by the NSW Government in 2005, unless it is otherwise defined in this Policy.	Noted.
Clause 15: Heritage Conservation	
<p>(1) Objectives</p> <p>The objectives of this clause are:</p> <ul style="list-style-type: none"> (a) to conserve the environmental heritage of the Western Parklands, and (b) to conserve the heritage significance of heritage items in the Western Parklands including associated fabric, settings and views. 	<p>The proposal has very low potential to impact both Aboriginal and non-Aboriginal heritage. Refer to Chapter 19 Heritage.</p> <p>The site is located on the western periphery of the Parklands in an area that is previously disturbed and is home to industrial and waste management facilities.</p> <p>The proposal has been designed to minimise impacts on viewpoints. See Chapter 16 Landscape and visual and Appendix B Architecture and Landscape Design Strategy Report.</p>
<p>(2) Requirement for consent</p> <p>Development consent is required for any of the following in the Western Parklands:</p> <ul style="list-style-type: none"> (a) demolishing or moving a heritage item, (b) altering a heritage item, (c) altering a heritage item that is a building by making structural changes to its interior, (d) erecting a building on land on which a heritage item is located, (e) subdividing land on which a heritage item is located. 	<p>The proposal has very low potential to impact both Aboriginal and non-Aboriginal heritage. Refer to Chapter 19 Heritage.</p>

Matter	WSERRC
<p>(3) When consent not required</p> <p>However, consent under this clause is not required if:</p> <ul style="list-style-type: none"> (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development: <ul style="list-style-type: none"> (i) is of a minor nature, or is for the maintenance of the heritage item, and (ii) would not adversely affect the significance of the heritage item, or (b) the development is in a cemetery or burial ground and the proposed development: <ul style="list-style-type: none"> (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics or Aboriginal objects in the form of grave goods, or (c) the development is limited to the removal of a tree or other vegetation that the consent authority is satisfied is a risk to human life or property, or (d) the development is on land to which another State environmental planning policy applies and is exempt development under that other policy 	<p>The proposal has very low potential to impact both Aboriginal and non-Aboriginal heritage. Refer to Chapter 19 Heritage.</p>

Matter	WSERRC
<p>(4) Effect on heritage significance</p> <p>The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>The proposal has very low potential to impact both Aboriginal and non-Aboriginal heritage. Refer to Chapter 19 Heritage.</p>
<p>(5) Heritage impact assessment</p> <p>The consent authority may, before granting consent to any development on land in the Western Parklands:</p> <ul style="list-style-type: none"> (a) on which a heritage item is situated, or (b) within the vicinity of land referred to in paragraph (a), <p>require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.</p>	
<p>(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	
<p>(7) Conservation incentives</p> <p>The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Policy, if the consent authority is satisfied that:</p> <ul style="list-style-type: none"> (a) the conservation of the heritage item is facilitated by the granting of consent, and 	<p>The proposal has very low potential to impact both Aboriginal and non-Aboriginal heritage. Refer to Chapter 19 Heritage.</p>

Matter	WSERRC
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and	
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	
Clause 16: Signage	
(1) This clause applies to signage that is visible from a public place.	The design of business identification signage will be developed as part of the detailed design and will consider relevant design guidelines.
(2) Development consent must not be granted to the erection of signage unless: (a) the consent authority is satisfied that the signage is consistent with any signage policy prepared by the Trust, and	
(b) in the case of a road sign, the Roads and Traffic Authority has been given written notice of the development application and any comments received by the consent authority from the Roads and Traffic Authority within 21 days have been considered by the consent authority.	
(3) In this clause: road sign means a sign that has a display area greater than 20 square metres or that is higher than 8 metres above the ground and is within 250 metres of a classified road and any part of the signage is visible from the classified road.	
Clause 17: Development on Private Land	
Development consent must not be granted to development on private land in the Western Parklands unless the consent authority has considered the following: (a) whether the development will contribute to or impede the implementation of the aim of this Policy	Table 4.8 of this chapter describes how the proposal contributes to achieving the aims of the WSP SEPP.
(b) the need to carry out development on the land,	The need for EfW in meeting the objectives and targets of the WARR Strategy have been described in Chapter 2 Strategic context . The site was chosen following a comprehensive site selection process. Key features of the site that supported its suitability for WSERRC are its location in the Sydney Metropolitan area while maintaining a distance to residential areas of around 1km, access to transport and power infrastructure and the industrial nature of the surrounding area.

Matter	WSERRC
(c) the imminence of acquisition of the land,	<p>The Office of Strategic Lands (OSL) administers the Planning Ministerial Corporation, the entity that would be responsible for land acquisition on behalf of the NSW Government.</p> <p>OSL were consulted during the development of the EIS to recognise any plans for the acquisition of the proposal site. OSL confirmed that the site is not on any plans or programmes that would indicate imminent acquisition of the site.</p>
(d) the effect of carrying out the development on acquisition costs,	<p>As noted above, there are no plans for the imminent acquisition of the site and the proposal, if approved, will operate for several decades.</p> <p>Nonetheless, the EIS has given indicative information on the market value of the land at the time of acquisition (about \$19m) and the capital value of the proposal. The estimated CIV for the proposal is around \$645m. A statement of CIV is included in Appendix D.</p>
(e) the effect of carrying out the development on the natural systems of the Western Parklands,	<p>The site is located on the western periphery of the Parklands in an area that is previously disturbed and is home to industrial and waste management facilities. Since acquisition of the site, the owners have arranged for cleaning of the site to address historical salmonella contamination associated with the previous use of the site as a poultry production facility.</p> <p>Development of the proposal will include clearing of weeds along the drainage channels in the site and realignment and planting of the overland flow path along the Eastern boundary to reflect natural conditions.</p> <p>Water quality treatment measures will improve the quality of water leaving the site, draining into Reedy Creek and Eastern Creek further north.</p> <p>A Vegetation Management Plan has also been prepared which describes the approach to vegetation management including specification of native planting consistent with the biodiversity of the Parklands.</p>
(f) the cost of restoring those systems after the development has been carried out.	<p>As above, the proposal will have a beneficial impact on the natural systems on the site and surrounding area. Historic uses of the site have led to invasive weeds around drainage lines and the overland flow path which will be cleared and restored as part of the proposal.</p>

Matter	WSERRC
Clause 17A: Essential Services	
<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water</p>	<p>The proposed connection to the existing Sydney Water main under Wallgrove Road is located outside the proposal site and discussed in Chapter 22 Related development. Fire and water tanks have also been proposed to lower the peak water demand on Sydney Water's potable water network.</p>
<p>(b) the supply of electricity,</p>	<p>This proposal will generate up to 58MW of base load electricity some of which will be used to power the facility itself with the remaining 55MW exported to the grid. A proportion of the electricity generated will be categorised as renewable.</p> <p>Details regarding connection of the proposal to the electricity grid are discussed in Chapter 20 Utilities and services.</p>
<p>(c) the disposal and management of sewage,</p>	<p>Sydney Water has been consulted with about connecting to the existing Sydney Water Sewer. It was noted that once development consent is approved, a section 73 certificate from Sydney Water will need to be applied for.</p> <p>Refer to Appendix C of Utilities and services Technical report P.</p>
<p>(d) stormwater drainage or on-site conservation,</p>	<p>Two interconnected basins are proposed to manage site stormwater runoff, to be located at the north-east area of the proposal site. The site stormwater runoff will be conveyed to these basins via the site drainage network. This will include overflow from the two 100kL rainwater tanks when they are full.</p> <p>Development of the proposal will include clearing of weeds along the drainage channels in the site and realignment and planting of the overland flow path along the Eastern boundary to reflect natural conditions.</p> <p>Water quality treatment measures will improve the quality of water leaving the site, draining into Reedy Creek and Eastern Creek further north as described in Chapter 12 Hydrology and flooding.</p>
<p>(e) suitable road access.</p>	<p>The proposal will require upgrades to and building of entry and exit to the site, to accommodate the proposal's traffic movements. However, site access works do not form part of the scope of this proposal and this is covered in Chapter 22 Related development.</p>

Matter	WSERRC
Clause 17B: Earthworks	
<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, (b) to allow earthworks of a minor nature without requiring separate development consent. 	<p>The proposal will involve earthworks, and these will be managed in line with a CEMP. Further detail on earthworks are available in Chapter 3 Proposal description. Relevant sections of the impact assessments have assessed the impacts during construction including Chapter 11 Soils and water and Chapter 8 Air quality and odour.</p>
<p>(2) Development consent is required for earthworks unless:</p> <ul style="list-style-type: none"> (a) the work is exempt development under this Policy or another applicable environmental planning instrument, or (b) the work is ancillary to other development for which development consent has been given. 	<p>Noted.</p>
<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality, 	<p>The soils and water assessment has considered the potential impacts to soils and water during construction and identified mitigation measures to minimise impacts. A Sediment and Erosion Control Plan will be prepared as part of the CEMP. See Chapter 11 Soils and water and Appendix B of Technical report H Hydrology and Flooding Assessment Report for further details.</p>
<ul style="list-style-type: none"> (b) the effect of the proposed development on the likely future use or redevelopment of the land, 	<p>The earthworks are required to enable the development of the WSERRC proposal.</p>
<ul style="list-style-type: none"> (c) the quality of the fill or the soil to be excavated, or both, 	<p>A detailed site contamination investigation (DSI) was carried out and is documented in Technical report G. The investigation concluded that all soil, water and gas concentrations were within the adopted site assessment criteria, except for asbestos impacted soils, asbestos containing materials (ACM) found in near surface soil and lead beneath one of the workshops. A draft Remediation Action Plan (RAP) (see Technical report G2) was prepared for the site and will be carried out to make the site suitable, from a contamination risk perspective, for the proposed land use before building and in line with SEPP 55. Refer to Chapter 11 Soils and water.</p>

Matter	WSERRC
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	<p>The site is located on the western periphery of the Parklands in an area that is previously disturbed and is home to industrial and waste management facilities.</p> <p>The proposal has been designed to minimise impacts on viewpoints.</p> <p>See Chapter 16 Landscape and visual and Appendix B Architecture and Landscape Design Strategy Report.</p> <p>Impact on residential amenity is assessed throughout the impact assessment section, Chapter 8 Air quality and odour Chapter 13 Noise and vibration Chapter 16 Landscape and visual and Chapter 17 Social.</p>
(e) the source of any fill material and the destination of any excavated material,	<p>It is intended that all suitable excavated material, excluding weeds and rubbish, will be reused onsite as fill material. If fill must be disposed of, it will be disposed of in line with a current Resource Recovery Order and Exemption or disposed of to a licensed facility. Preliminary earthwork estimates indicate a small net import of fill to the site. Refer to Chapter 10 Waste management.</p>
(f) the likelihood of disturbing relics,	<p>The proposal has very low potential to impact both Aboriginal and non-Aboriginal heritage. Refer to Chapter 19 Heritage</p>
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,	<p>Development of the proposal will include clearing of weeds along the drainage channels in the site and realignment and planting of the overland flow path along the Eastern boundary to reflect natural conditions.</p> <p>Water quality treatment measures will improve the quality of water leaving the site, draining into Reedy Creek and Eastern Creek further north as described in Chapter 12 Hydrology and flooding.</p> <p>The proposal will not have unacceptable impacts on drinking water catchments as detailed in Chapter 9 Human health risk.</p>
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	<p>Refer to Chapter 24 Summary of mitigation measures.</p>
Note. <i>The National Parks and Wildlife Act 1974</i> , particularly section 86, deals with harming Aboriginal objects.	<p>The proposal has very low potential to impact both Aboriginal and non-Aboriginal heritage. Refer to Chapter 19 Heritage.</p>

Table 4.8: WSP SEPP Aim of Policy

Aims	Relevance to proposal
Clause 2: Aim of Policy	
<p>The aim of this Policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney by:</p> <p>(a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and</p>	<p>The proposal is consistent with the future land uses identified for the Wallgrove Precinct including recycling and renewable energy.</p>
<p>(b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and</p>	<p>The Greater Sydney Region Plan and Central City District Plan emphasise the importance of developing a city that is serviced by infrastructure. The WSERRC will give a critical infrastructure service to the people and businesses of Western Sydney by providing a waste management service and generating baseload energy, part of which is categorised as renewable.</p> <p>The proposal will also contribute to raising awareness about emerging circular economy and waste management principles through the onsite visitor and education centre.</p>
<p>(c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and</p>	<p>The Greater Sydney Region Plan and Central City District Plan emphasise the importance of developing a city that is serviced by infrastructure. The WSERRC will give a critical infrastructure service to the people and businesses of Western Sydney by providing a waste management service and generating baseload energy, part of which is categorised as renewable.</p> <p>The WSERRC will be of service to local councils who are responsible for the management of waste.</p>
<p>(d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and</p>	<p>The site is located on the western periphery of the Parklands in an area that is previously disturbed and is home to industrial and waste management facilities. Since acquisition of the site, the owners have arranged for cleaning of the site to address historical salmonella contamination associated with the previous use of the site as a poultry production facility.</p> <p>Development of the proposal will include clearing of weeds along the drainage channels in the site and realignment and planting of the overland flow path along the Eastern boundary to reflect natural conditions.</p> <p>Water quality treatment measures will improve the quality of water leaving the site, draining into Reedy Creek and Eastern Creek further north.</p>

Aims	Relevance to proposal
	<p>Species within the threatened Cumberland Shale Plains Woodland vegetation class are native to the proposal site. However, the existing site is degraded and dominated by exotic grass and weeds, with small patches of regrowth in poor to very poor condition. It is the aim of the planting design for the proposal to restore and celebrate this native vegetation by use of tree, shrub, grass and riparian species.</p> <p>A VMP included as Appendix G to the Biodiversity Development Assessment Report (Technical report Q) has been prepared to guide the revegetation works and restoration of the overland flow path onsite. Existing mature native trees will be retained where possible and safe to do so, particularly along the overland flow path.</p>
(e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and	<p>There are no non-Aboriginal heritage features located at the site which could be potentially impacted by the proposal. An Aboriginal Cultural Heritage Assessment Report (ACHAR) was carried out and is documented in Technical report O and Chapter 19 Heritage. In summary, there are cultural values (social value) associated with the general local area. However, as there are no known Aboriginal archaeological sites or areas of Aboriginal archaeological potential within the proposal area, the proposal is unlikely to impact on Aboriginal heritage. The proposal area exhibits a very low sensitivity for Aboriginal archaeological sites and has high levels of previous disturbance. Although the archaeological potential of the proposal area is assessed as very low. There is still potential for the cultural and historical heritage of the WSPs to be interpreted and incorporated in detailed design, including, but not limited to plaques, murals, paving and visitors centre display.</p>
(f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and	<p>The site has an industrial and agricultural history having previously been used for poultry production and is surrounded by waste infrastructure limiting the recreational and amenity value of the site. The site has been historically contaminated with the site having previously been detected for Salmonella Enteritidis (SE) due to past poultry activities (which has since been rectified). A letter has since been received from the Department of Industries (DPI) dated 26 May 2020 which stated</p> <p><i>‘The NSW DPI Chief Veterinary Officer has approved the status of your property to change from a SE Infected Premise to a Resolved Premise, as you have completed decontamination and 2 sets of SE negative clearance sampling’</i></p> <p>and therefore, the Individual Biosecurity Direction has been revoked on the proposal site.</p>

Aims	Relevance to proposal
	<p>Asbestos and lead were also found during the DSI which will need to be remediated before the land being used.</p> <p>By using a parcel of land with limited value due to adjoining industry and contamination, it is avoiding other areas in the Western parklands that are better suited for agriculture, horticulture and forestry.</p>
(g) facilitating public access to, and use and enjoyment of, the Western Parklands, and	The proposal will include a visitor and education centre to offer education through a world-class visitor centre experience and facility tour which will encourage visitors to the WSP. The landscape design allows for an attractive site for visitor experience, from the entrance and along the eastern area to the visitor and education centre.
(h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and	The proposal will include a visitor and education centre which will be an educational resource on waste management, energy from waste and circular economy.
(i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and	The proposal will include building a visitor and education centre to help educate and inform the community on the principles of waste management, waste avoidance, the circular economy, recycling, resource recovery and EfW.
(j) allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the <i>Western Sydney Parklands Act 2006</i>	<p>The Parklands has a long-term role in providing land with low environmental or recreational value, to meet the ongoing and expanding needs of the community for services infrastructure such as electricity, gas, telecommunications, water, and sewer. The proposal is for a development on private land, located on the western periphery of the Parklands in an area that is previously disturbed and is home to industrial and waste management facilities.</p> <p>The proposal is consistent with the future land uses identified for the Wallgrove Precinct including recycling and renewable energy.</p>
(k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.	Details of how the ecologically sustainable development (ESD) principles have been considered and applied in the design of the proposal are included in Chapter 25 Evaluation and conclusions.