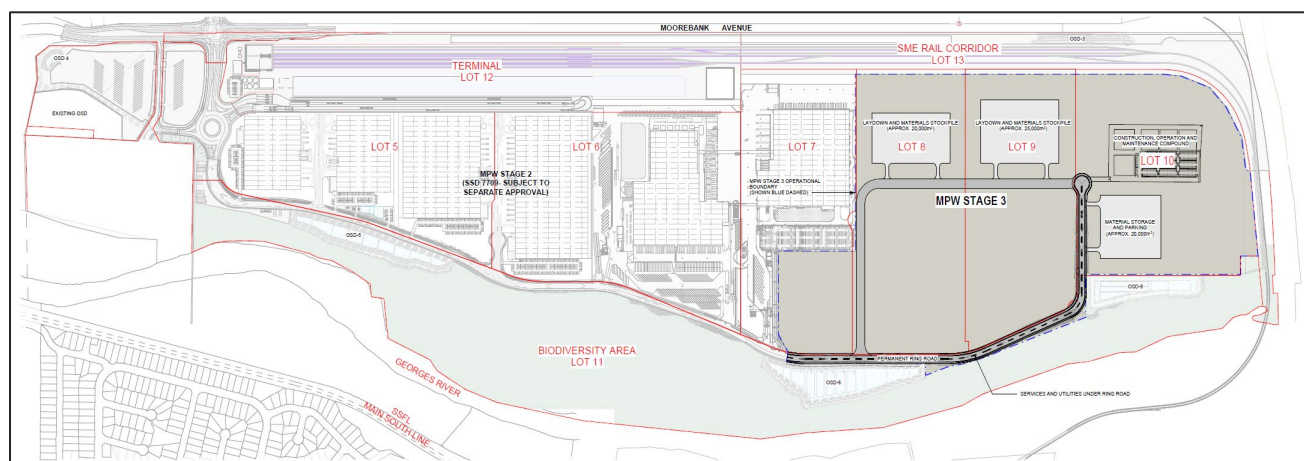


Moorebank Intermodal Precinct West – Stage 3

State Significant Development Assessment (SSD-10431)

March 2021



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Glossary

Abbreviation	Definition
AEP	Annual Exceedance Probability
AHD	Australian Height Datum
Applicant	Sydney Intermodal Terminal Alliance (SIMTA), as Qube Holdings Limited
ARI	Annual Recurrence Interval
BCA	Building Code of Australia
BDAR	Biodiversity Development Assessment Report
CIV	Capital Investment Value
Concept approval	Moorebank Precinct West Concept Plan and Stage 1 – SSD 5066
Council	Liverpool City Council
dB	Decibel
Department	Department of Planning, Industry and Environment
DJLU	Defence Joint Logistics Unit
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
ENM	Excavated Natural Material
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
GFA	Gross Floor Area
Heritage	Heritage NSW, Department of Premier and Cabinet
IMEX	Import/export
LEP	Local Environmental Plan
LGA	Local Government Area
LLEP	Liverpool Local Environment Plan

LoS	Level of Service
Minister	Minister for Planning and Public Spaces
MPE Stage 1	Moorebank Precinct East Stage 1 – SSD 6766
MPE Stage 2	Moorebank Precinct East Stage 2 – SSD 7628
MPW Stage 2	Moorebank Precinct West Stage 2 – SSD 7709
MPW Concept Plan	Moorebank Precinct West Concept Plan and Stage 1 Early Works - SSD 5066
MPW Concept Plan MOD 1	Moorebank Precinct West Concept Plan and Stage 1 Early Works Modification 1 – SSD 5066 MOD 1
MPW Concept Plan MOD 2	Moorebank Precinct West Concept Plan and Stage 1 Early Works Modification 2 – SSD 5066 MOD 2
OSD	Onsite detention
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SSFL	Southern Sydney Freight Line
TEU	Twenty-foot equivalent unit. A measure of freight cargo, equivalent to a standard shipping container
TfNSW	Transport for NSW
VENM	Virgin Excavated Natural Material

Executive Summary

This report provides an assessment by the Department of Planning, Industry and Environment (Department) of a State significant development (SSD) application lodged by Aspect Environmental Pty Ltd on behalf of SIMTA, as Qube Holdings Limited (the Applicant), seeking approval for the proposed Moorebank Intermodal Precinct West – Stage 3 (SSD-10431). The proposal is SSD under clause 19 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of rail and related transport facilities.

Assessment summary and conclusions

The development is Stage 3 of the approved Moorebank Precinct West (MPW) Concept proposal, which provides for the use of the MPW site as an intermodal terminal facility, including a rail link to the Southern Sydney Freight Line (SSFL), warehouse and distribution facilities, and associated works, subject to further detailed development applications (including this one). Development consent has previously been granted to Stage 1 early works (SSD 5066), including building demolition and remediation of contaminated lands, and Stage 2 (SSD 7709), comprising bulk earthworks, construction and operation of an intermodal terminal (IMT) facility to accommodate 500,000 twenty-foot equivalent units (TEU) container throughput capacity per annum, container storage area, rail link and internal road infrastructure, 215,000 m² gross floor area (GFA) of intermodal warehouse use, 800 m² GFA freight village including retail use, stormwater management infrastructure (including six onsite detention (OSD) basins), upgrade of Moorebank Avenue/Anzac Avenue Road intersection and ancillary works.

The Stage 3 proposal seeks approval for:

- staged subdivision of the MPW site into nine allotments
- importation of approximately 280,000 m³ of unconsolidated clean fill for compaction up to final land level and approximately 540,000 m³ of structural fill for warehouse pad completion
- establishment and use of a temporary construction work compound area in the southern portion of the MPW site
- associated ancillary works.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) and objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of ecologically sustainable development (ESD), issues raised in submissions as well as the Applicant's response to these.

The Department considers that the proposal is in the public interest and recommends the development be approved, subject to detailed conditions. The application is referred to the Independent Planning Commission for determination, as Council objects to the application.

The Department identified the key issues for assessment as the application's consistency with the Concept approval, subdivision, importation of fill material, construction traffic and access, construction noise and construction soil and water management. The Department's assessment concludes that:

- the proposal is generally consistent with the recommended 'conditions to be met in future development applications', as set out under the MPW Concept approval

- staged subdivision of the MPW site is acceptable, provided that the Applicant provides a Subdivision Staging Plan to the Planning Secretary for approval, prior to the issue of the first Subdivision Certificate. The plan must clearly identify each stage of the subdivision and the relevant estate works that relate to each stage (**Section 6.3**).
- construction impacts associated with the importation of fill material can be actively managed through prescriptive conditions, including enforcement of an existing 22,000m³ cap on the total amount of fill imported across MPW and Moorebank Precinct East (MPE) per day.
- construction traffic impacts can be managed through implementation of a Construction Traffic and Access Management Plan, including preparation of a Heavy Vehicle Route Plan to manage heavy vehicle routes to and from the site, and a Driver Code of Conduct to minimise the impact of heavy vehicles on other road users.
- construction noise impacts can be effectively managed through implementation of a Construction Noise and Vibration Management Plan for the development, prepared in accordance with the procedures for managing construction noise under the *Interim Construction Noise Guideline* (ICNG). Construction of the development must comply with standard construction hours, with certain extended works permissible under an out of hours works protocol.
- soil and water impacts can be effectively managed by undertaking land disturbance and filling activities in a phased manner, impacting a maximum contiguous area of 65 hectares at any one time (around one-third of the site area). No disturbance of another area of the site is permitted until defined triggers for stabilisation of the previous area have been met.

The Department is satisfied that the impacts of the proposed development and issues raised in the submissions have been considered in the Environmental Impact Statement (EIS), the Response to Submissions (RtS) and supplementary information provided by the Applicant. Conditions of consent are recommended to ensure that the identified impacts are managed appropriately.

The proposal has a Capital Investment Value (CIV) of \$38,061,404 and would generate 60 construction jobs.

Engagement

The application was publicly exhibited between 30 April 2020 and 27 May 2020. The Department received a total of 40 submissions, comprising 11 from public authorities (including an objection from Liverpool City Council), 25 individual public submissions (all objections), and 4 submissions from special interest groups (all objections).

The key issues raised in the submissions included site suitability, public interest, importation of fill material, water management and flooding, biodiversity impacts, subdivision, traffic and transport, construction activities, air quality, noise, planning process and consistency with the MPW Concept approval.

The Applicant submitted a RtS on 25 August 2020, which provided a detailed response to submissions received during exhibition. The RtS was referred to Council, EPA, TfNSW and Heritage Council for further comment. The key issues raised by those government agencies remained the same as those raised during exhibition of the application, with significant concerns raised regarding subdivision of the site and importation of fill material. The Applicant submitted supplementary information between September 2020 and December 2020, addressing concerns raised by the Department, Council and the EPA regarding subdivision and the importation of fill material.

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1 Introduction

1.1 The application

- 1.1.1 This report provides an assessment of a State Significant Development (SSD) application for the proposed Moorebank Intermodal Precinct West – Stage 3 at Moorebank Avenue, Moorebank (SSD-10431).
- 1.1.2 The development is Stage 3 of the approved MPW Concept Plan proposal (SSD 5066). The proposal comprises:
- staged subdivision of the Moorebank Precinct West (MPW) site into nine allotments
 - importation of approximately 280,000 m³ of unconsolidated clean fill for compaction up to final land level and approximately 540,000 m³ of structural fill for warehouse pad completion
 - establishment and use of a temporary construction work compound area in the southern portion of the MPW site
 - associated ancillary works.
- 1.1.3 The application has been lodged by Aspect Environmental Pty Ltd on behalf of Sydney Intermodal Terminal Alliance (SIMTA), as Qube Holdings Limited (the Applicant). The site is located within the Liverpool local government area (LGA).

1.2 Site description

Moorebank Intermodal Precinct

- 1.2.1 The Moorebank Intermodal Precinct (also referred to as the Moorebank Intermodal Freight Precinct or Moorebank Logistics Park) is located at Moorebank Avenue, Moorebank, and is proposed to comprise an interstate, intrastate and port shuttle freight and logistics handling facility for the Sydney Metropolitan Area. The Precinct covers an area of 303 hectares (ha) and extends from the M5 South Western Motorway and the Defence Joint Logistics Unit (DJLU) site in the north and north-east, to the East Hills Rail line in the south. It is divided into two sites: MPW and Moorebank Precinct East (MPE) (**Figure 1**).
- 1.2.2 Two separate concept approvals cover the MPW and MPE sites:
- concept approval for MPW: an import/export (IMEX) port shuttle freight terminal and separate interstate/intrastate freight terminal and associate warehousing and estate works (SSD 5066) – see **Section 1.4.1**
 - concept approval for MPE: an IMEX port shuttle freight terminal, rail link to the Southern Sydney Freight Line (SSFL) and associated warehousing and estate works (MP 10_0193) – see **Section 1.5.1**.

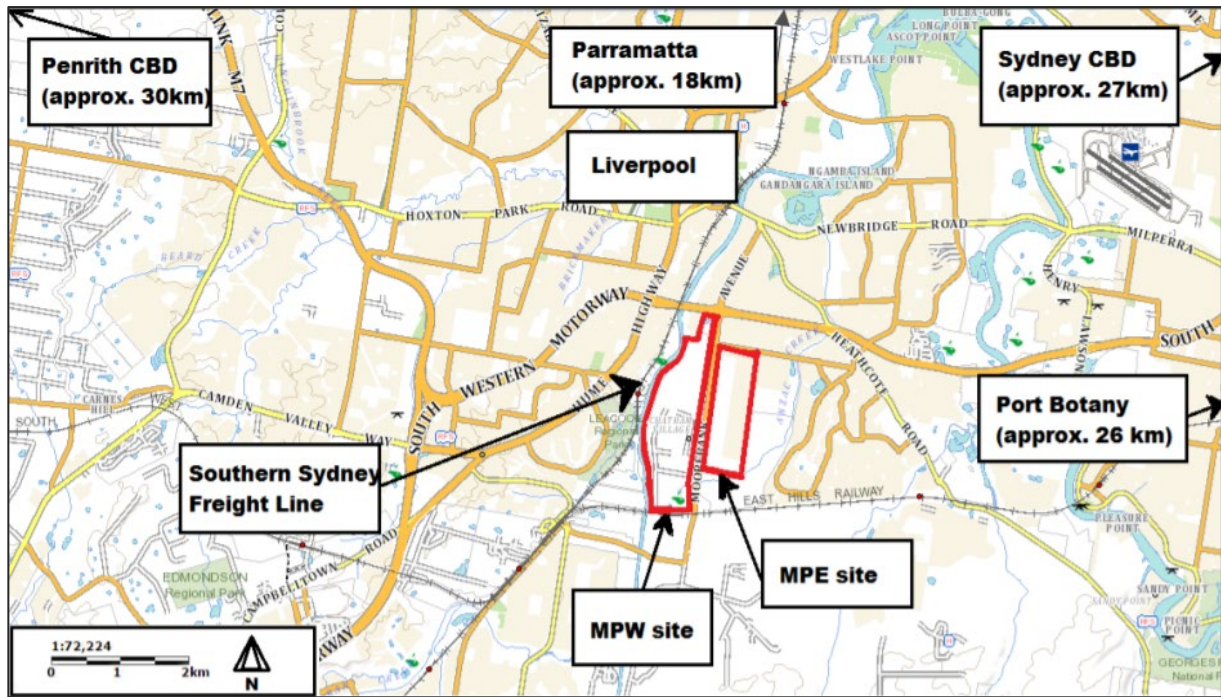


Figure 1 | Site location (outlined red) (Base source: SIX Maps)

The MPW site

- 1.2.3 The MPW site is located on the western side of Moorebank Avenue, and forms the western section of the Moorebank Intermodal Precinct (**Figure 2**). The MPW site is approximately 2.5 kilometres (km) from the Liverpool city centre, 27 km south-west of the Sydney Central Business District (CBD) and 26 km west of Port Botany.
- 1.2.4 The MPW site is irregular in shape, approximately 3 km from north to south and 960 m from east to west at its widest point and covers an area of approximately 220 ha. It is situated between the Georges River to the west (with the SSFL running north-south to the west of the river); and Moorebank Avenue, the MPE site, densely vegetated Commonwealth Land (known as the 'Boot Land') and the DJLU site to the east (**Figure 2**). The Holsworthy Military Reserve is located to the south of the East Hills rail line.
- 1.2.5 Works on the MPW site to date have commenced under two current and active development consents:
 - MPW Stage 1 early works, which provides demolition, rehabilitation, remediation of contaminated land, and the establishment of construction facilities and access including site security (as part of the SSD 5066 consent)
 - MPW Stage 2, which provides for the construction and 24/7 operation of an intermodal facility and associated warehousing (SSD 7709).

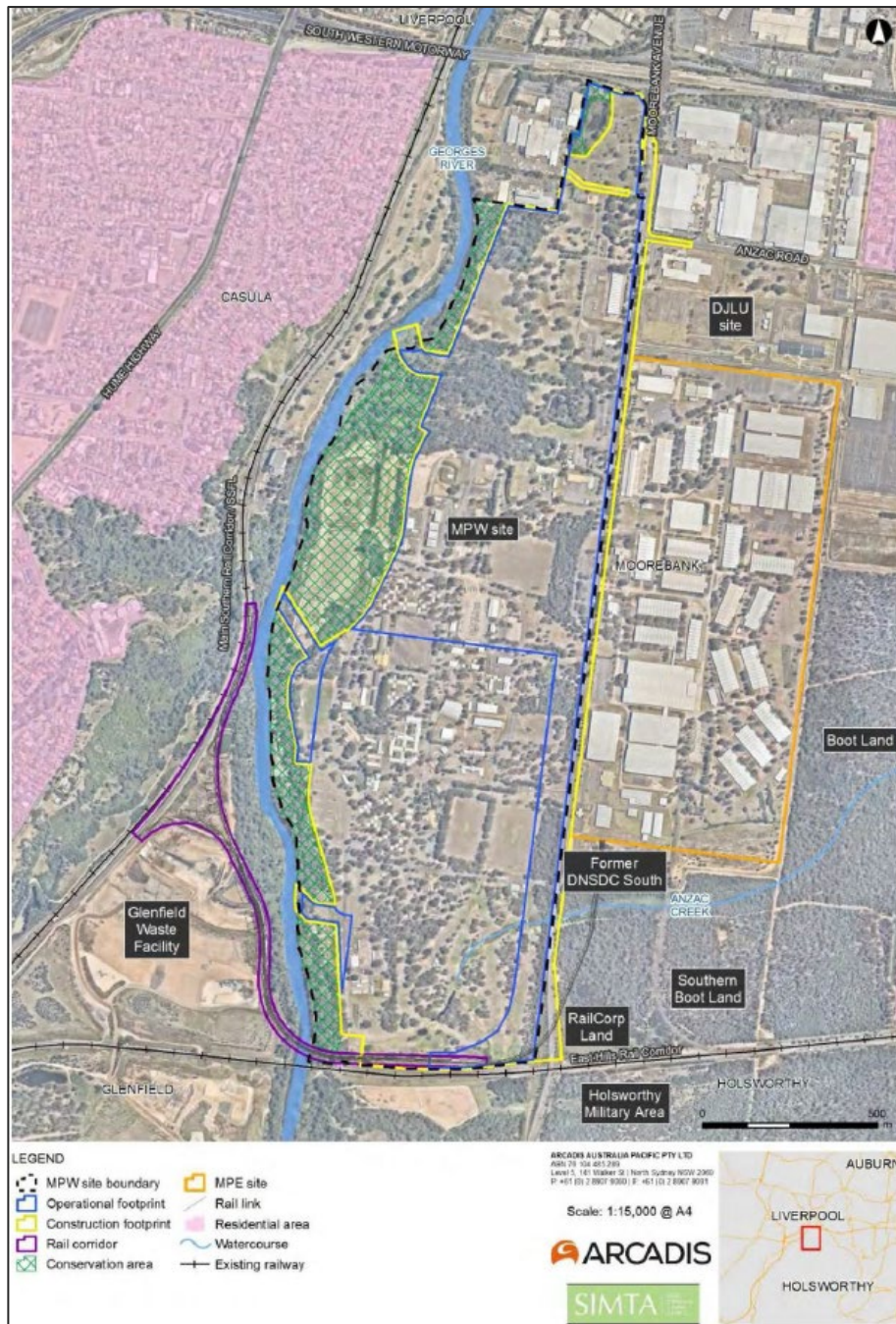


Figure 2 | Moorebank - Local Context Map (Source: Applicant's EIS)

1.3 Surrounding context

- 1.3.1 The area surrounding the MPW site comprises several different land uses. To the north, beyond the DJLU continuing to north of the M5 Motorway, is a 200 ha industrial precinct, which supports a range of uses including freight and logistics, heavy and light manufacturing, office and business park developments. Residential land uses are beyond this.
- 1.3.2 The closest residential properties to the MPW site are located in Casula to the west (approximately 200 m), Wattle Grove North to the north-east (approximately 650 m), Glenfield to the south-west (approximately 800 m) and Wattle Grove to the east (approximately 1 km). The M5 South Western

Motorway is located to the north of the site and the Southern Sydney Freight Line (SSFL) is located to the west. The East Hills line is located to the south of the site.

- 1.3.3 In the time since approval of the MPW Stage 2 application, a number of infrastructure upgrades to the regional and State freight networks have obtained planning approval, including the duplication of the Botany (freight) Rail Line (SSD 9714) and construction and operation of a passing loop on the eastern side of the SSFL between Cabramatta Station and Warwick Farm Station (SSI 9188), both of which were approved by the Minister for Planning and Public Spaces on 28 July 2020, and would increase capacity on the freight rail network between the site and Port Botany once operational. TfNSW has commenced design on the M5 Motorway westbound traffic upgrade proposal, between Moorebank Avenue and Hume Highway, and conducted public consultation on the proposal between December 2019 and February 2020 to assist in the development of the concept design and planning. The location of the site in the context of major transport corridors and infrastructure is shown in **Figure 3**.

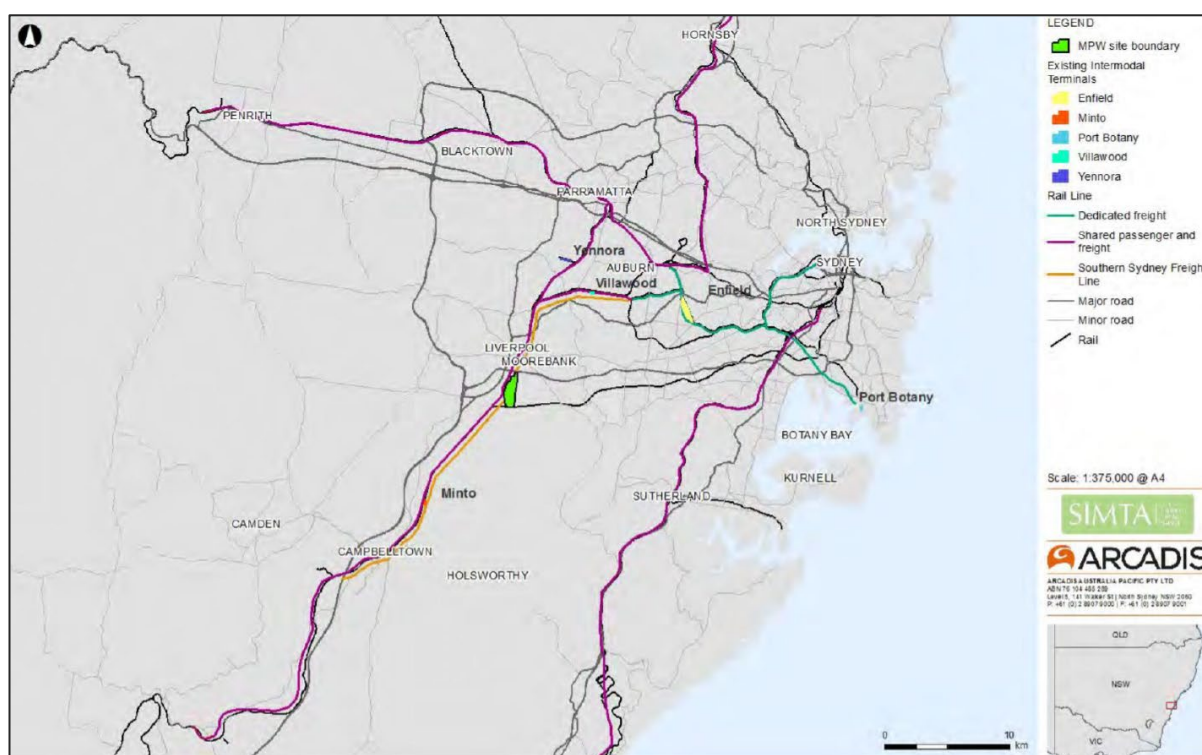


Figure 3 | Metropolitan transport context (Source: Applicant's EIS)

1.4 Approval history

MPW Concept approval (SSD 5066)

- 1.4.1 On 3 June 2016, development consent was granted by the then Planning Assessment Commission for the MPW Concept approval (SSD 5066). The development consent, which included conditions to be met for future development applications, was for the:
- **Concept Proposal:** involving the use of the site as an intermodal facility, including a rail link to the SSFL, warehouse and distribution facilities and associated works
 - **Early Works (Stage 1):** involving the demolition of buildings, including services termination and diversion, rehabilitation of the excavation/earthmoving training area, remediation of contaminated

land, removal of underground storage tanks, heritage impact remediation works and the establishment of construction facilities and access including site security.

1.4.2 On 30 October 2019, consent was granted by the Independent Planning Commission (the Commission) to modify the MPW Concept approval SSD 5066 (SSD 5066 MOD 1), to permit:

- importation of 1,600,000m³ of fill for bulk earthworks
- amendment to the intermodal terminals
- reclassification of the northern intermodal terminal to handle interstate, intrastate and port shuttle freight and the movement of freight between MPW warehouses and the MPE intermodal terminal
- amendment to warehousing, freight village, parking, building height and the number of onsite detention basins
- consolidation of staging
- inclusion of the ability to subdivide the site under a separate future development application
- expansion of the site boundary for upgrade of the Moorebank Avenue/Anzac Road intersection, affecting neighbouring land.

1.4.3 On 24 December 2020, the Department determined an application to modify the MPW Concept approval (SSD 5066 MOD 2). The application modified the Concept approval to permit:

- the adjustment of the southern operational boundary of the MPW Stage 2 warehouse area to partially encroach into the MPW Stage 3 construction area
- amendment to the building height established across warehouse areas 5 and 6 from approximately 21 m up to and including 45 m.

MPW Stage 2 consent (SSD 7709)

1.4.4 On 12 November 2019, development consent was granted by the Commission for the MPW Stage 2 development (SSD 7709), which included:

- the importation, temporary stockpiling and placement of 1,600,000 m³ of clean fill over the entire site and construction of temporary ancillary facilities including for material crushing
- construction and 24/7 operation of an IMT facility to support a container freight throughput volume of 500,000, twenty-foot equivalent units (TEUs) per annum
- operation of the rail link to the SSFL (constructed under MPE Stage 1) and container freight movements by truck between the MPE IMT and MPW warehouses
- construction and 24/7 operation of a warehouse estate (215,000m² GFA) on the northern part of the site
- intersection upgrades on Moorebank Avenue at Anzac Road and Bapaume Road
- construction and operation of onsite detention basins and bioretention/biofiltration systems, and trunk stormwater drainage on the northern part of the site.

- 1.4.5 The MPW Stage 2 consent was granted following the Planning Secretary's certification that a voluntary planning agreement between the Applicant and Transport for NSW (Roads and Maritime Services (RMS)) provided satisfactory arrangements for the provision of relevant State public infrastructure.
- 1.4.6 On 24 December 2020, the Department determined an application to modify the MPW Stage 2 consent (SSD 7709 MOD 1) (**Figure 4**). The application modified the MPW Stage 2 consent to:
- amend the southern operational boundary
 - construct and operate the "JR" and "JN" warehouses, two high-bay warehouses located in the (adjusted) southern part of the MPW Stage 2 warehouse area
 - amend the operation noise limits for the MPW Stage 2 development established under condition B131 of SSD 7709
 - amend condition B176 to allow for dangerous goods to be stored on-site at relevant portions of the site pertaining to Warehouse 5 and 6.

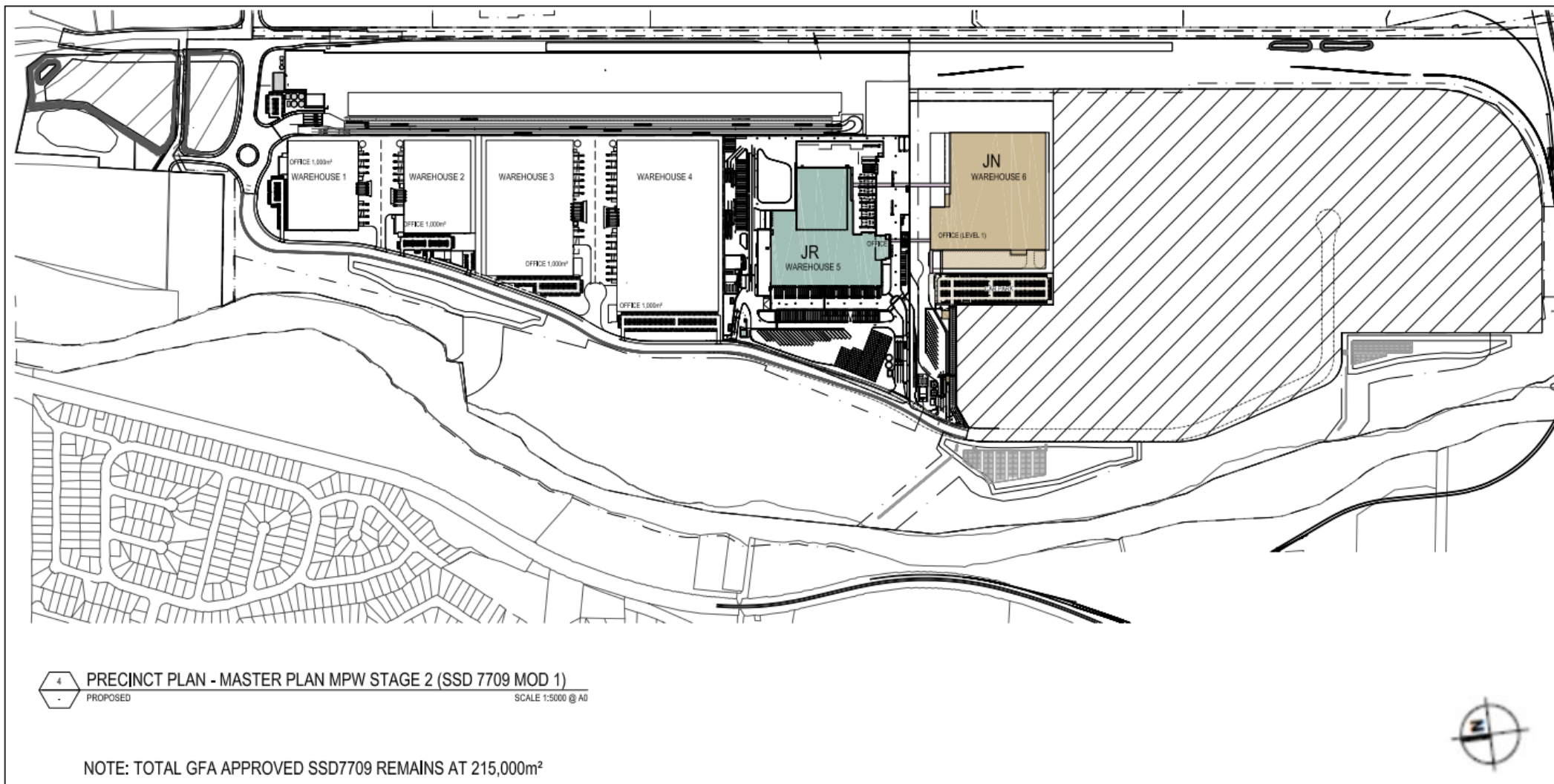


Figure 4 | Amended Precinct Plan approved under SSD 5066 MOD 2 and SSD 7709 MOD 1 (Source: Applicant's SSD 5066 MOD 2 report)

1.5 Other MPE development approvals

- 1.5.1 The Moorebank Intermodal Precinct includes the MPE development. A summary of consents and modifications for the MPE site is provided at **Table 1**.

Table 1 | Summary of MPE consents and modifications

Application (Application No.)	Development	Approval Date
MPE Concept Plan (MP 10_0193)	Use of the MPE site as an intermodal facility, which includes: <ul style="list-style-type: none"> a rail link to the Southern Sydney Freight Line (SSFL) within an identified corridor warehouse and distribution facilities freight village (ancillary site and operational support services) stormwater, landscaping, services and associated works. 	29 September 2014
MPE Concept Plan Modification 1 (MP 10_0193 MOD 1)	Revisions to the land description, voluntary planning agreement and statement of commitments.	12 December 2016
MPE Concept Plan Modification 2 (MP 10_0193 MOD 2)	Approval for: <ul style="list-style-type: none"> increasing the MPE site area and amend the site boundary to include works on Moorebank Avenue and drainage works to the south and east of the site upgrade works to Moorebank Avenue from the northern to southern extent of the site provision of a new and interim site access reconfiguration of internal road layouts and use of all internal roads by both light and heavy vehicles importation of approximately 600,000m³ of clean fill for bulk earthworks revised warehousing and freight village locations and layouts expansion of land-uses within the freight village revision of the staging of the project. <p>The modification approval included provision for the concept of subdivision, subject to a future staged development consent.</p>	31 January 2018
MPE Concept Plan Modification 3 (MP 10_0193 MOD 3)	Adjustment to the southern boundary of the MPE site to facilitate a revised drainage system layout and design for Onsite Stormwater Detention Basin (OSD) 2.	31 January 2020
MPE Stage 1 (SSD 7628)	Construction and operation of the following within the intermodal site: <ul style="list-style-type: none"> intermodal facility operating 24 hours per day, seven days per week handling container freight with a volume of up to 250,000 TEU throughout per annum, including truck processing and loading area, rail loading and container storage areas, and an administration facility and associated car parking a rail link running adjacent to the East Hills Rail Line, connecting to the southern end of the SSFL associated works including rail sidings, vegetation clearing, remediation and levelling works, and drainage and utility installation. 	12 December 2016

Construction works for the intermodal terminal have been completed on site.

MPE Stage 2 (SSD 7628)	Partial consent for the MPE Stage 2 intermodal warehousing development, comprising: <ul style="list-style-type: none"> • earthworks including the importation of 600,000m³ of fill • 300,000m² GFA of warehousing • 8,000m² GFA freight village • establishment of internal roads, connection to the surrounding road network/site access • raising the level and upgrading Moorebank Avenue, upgrade of Moorebank Avenue intersections and temporary diversion road • ancillary works including stormwater/flooding drainage infrastructure, utilities, vegetation clearing, landscaping, earthworks, remediation and signage. 	31 January 2018
MPE Stage 2 (SSD 7628 Partial Development Consent)	Partial consent for the staged subdivision of the MPE Stage 2 site.	4 April 2019
MPE Stage 2 Modification 1 (SSD 7628 MOD 1)	Change in the timing for road upgrade design approval and completion of road upgrade works.	Under assessment
MPE Stage 2 Modification 2 (SSD 7628 MOD 2)	Approval for: <ul style="list-style-type: none"> • adjustment to the southern boundary of the site to facilitate a revised drainage system layout and design for Onsite Stormwater Detention (OSD) basin number 2 • removal of the requirement for maximum batters of 1V:4H for OSD basin number 9. 	31 January 2020
MPE Stage 2 Modification 3 (SSD 7628 MOD 3)	Approval for: <ul style="list-style-type: none"> • amending the MPE Stage 2 subdivision development consent to include the subdivision of two additional lots (creating four lots) in the subdivision plan at Appendix 1 • changing the frequency for compliance reporting required under condition C21(c)(ii) from quarterly to six-monthly • revising controls relating to building signage as part of the Signage Sub Plan, set out in condition B141(f) of the consent • updating multiple conditions to correct referencing, to avoid misinterpretation and facilitate effective compliance. 	18 December 2020
MPE Stage 2 Modification 4 (SSD 7628 MOD 4)	Exempt Area 1 (carparking adjacent to Warehouse 1) from the requirement to provide 2.5 m wide landscaped bays every 6-8 car spaces incorporating canopy trees for shade.	19 January 2021

2 Project

- 2.1.1 The key components and features of the proposal are summarised at **Table 2**. **Appendix A** contains links to the application and supporting documents.

Table 2 | Main components of the project

Aspect	Description
Project summary	<p>The proposal comprises the following components:</p> <ul style="list-style-type: none"> staged subdivision of the MPW site into a total of nine allotments importation of approximately 280,000m³ of unconsolidated clean fill for compaction up to final land level and approximately 540,000m³ of structural fill for warehouse pad completion establishment and use of a temporary construction works compound area in the southern portion of the MPW site ancillary works to facilitate establishment, access and servicing of the works compound and subdivision.
Subdivision	<p>The proposal for subdivision includes the following components:</p> <ul style="list-style-type: none"> proposed subdivision of existing Lot 1 DP1197707 into nine allotments for warehousing and distribution facilities, an interstate/intrastate freight terminal, School of Military Engineering (SME) rail connection corridor and a biodiversity area the subdivision may be staged where required subdivision of the MPW site would facilitate long term leasing of buildings and tenancing of individual warehouses easements are proposed for overhead powerlines, drainage, services (whole of lot) and access (whole of lot) subdivision area is 189.4 ha the smallest proposed lot is 12.28 ha (lot 13) and largest proposed lot is 44.82 ha (lot 11). All proposed lots are below the 120 ha minimum lot size development standard prescribed in the Liverpool Local Environment Plan 2008 (LLEP).
Structures/uses	<p>The temporary construction works compound area includes:</p> <ul style="list-style-type: none"> main construction, operation and maintenance compound in eastern portion of proposed lot 10 (approximately 20,000m²) including staff amenities, meeting and training rooms, staff kitchen and café facilities hardstand, laydown and materials stockpile areas in eastern portion of proposed lot 8 (approximately 20,000m²) and proposed lot 9 (approximately 25,000m²) materials storage area and car parking (approximately 20,000m²) in western portion of proposed lot 10.

Ancillary development	<p>Ancillary development, including:</p> <ul style="list-style-type: none"> • temporary and permanent access roads • earthworks • fencing and preliminary establishment facilities • utilities installation/connection • stormwater and drainage infrastructure • signage and landscaping.
New internal access roads	<ul style="list-style-type: none"> • Construction of a permanent perimeter road, continuing south from the access road near the MPW site's western boundary, to the southern portion of the MPW site • A turnaround would be constructed at the end of the permanent perimeter road • Construction of a temporary loop road from the permanent perimeter road, to provide access to the hardstand, laydown and materials stockpile area.
Car parking	<ul style="list-style-type: none"> • Provision of 250 temporary light vehicle car parking spaces adjacent to the proposed temporary works compound buildings on proposed lot 10 • Temporary parking for heavy vehicles (and additional parking for light vehicles, as required) within the Material Storage and Parking area on proposed lot 10.
Hours of construction	<ul style="list-style-type: none"> • 7am to 6pm Monday to Friday • 8am to 1pm Saturday • no construction work on Sundays or public holidays. <p>The Applicant proposes to undertake certain construction works outside of standard construction hours under an Out-of-Hours Work Protocol (Section 6.6).</p>
Construction timeframe	<p>Use of the temporary construction works compound is required to support construction works on the broader MPW and MPE sites for an indicative 24 month period.</p> <p>Fill material is proposed to be imported to the site for an indicative 12 month period (Section 2.3).</p>
Capital Investment Value (CIV)	<ul style="list-style-type: none"> • \$38,061,404.
Jobs	<ul style="list-style-type: none"> • 60 construction jobs.

2.2 Physical layout and design

- 2.2.1 The proposal is for subdivision of the MPW site, importation of fill material, establishment and use of a temporary construction works compound area and associated ancillary works. The proposed

temporary construction works compound area is at **Figure 5** and overlay of the proposed subdivision works is at **Figure 6**.

Access

- 2.2.2 Heavy vehicles associated with the importation of fill material, and establishment and use of the temporary construction works compound area would enter and exit the MPW site from existing access points at the Chatham Avenue/Moorebank Avenue intersection and the Anzac Road/Moorebank Avenue intersection. Internal connections from the Anzac Road access point and relevant work areas would be facilitated by construction of a permanent perimeter road, continuing south from the access road near the MPW site's western boundary.
- 2.2.3 An additional temporary loop road would be constructed to provide circuit access for vehicles to the hardstand, laydown and materials stockpile areas on the MPW Stage 3 site. The Applicant advised that internal access connections between the Chatham Avenue access point and relevant work areas outlined in **Figure 5** would vary during construction of the MPW site. No heavy vehicle access is proposed to and from the development via Cambridge Avenue, located south of the East Hills line.
- 2.2.4 Light vehicles would enter and exit the site from the same access points at Chatham Avenue/Moorebank Avenue and Anzac Road/Moorebank Avenue. 250 temporary light vehicle car parking spaces would be located adjacent to the proposed temporary works compound buildings on proposed lot 10. The Department's detailed consideration of construction traffic and access impacts is provided at **Section 6.5**.

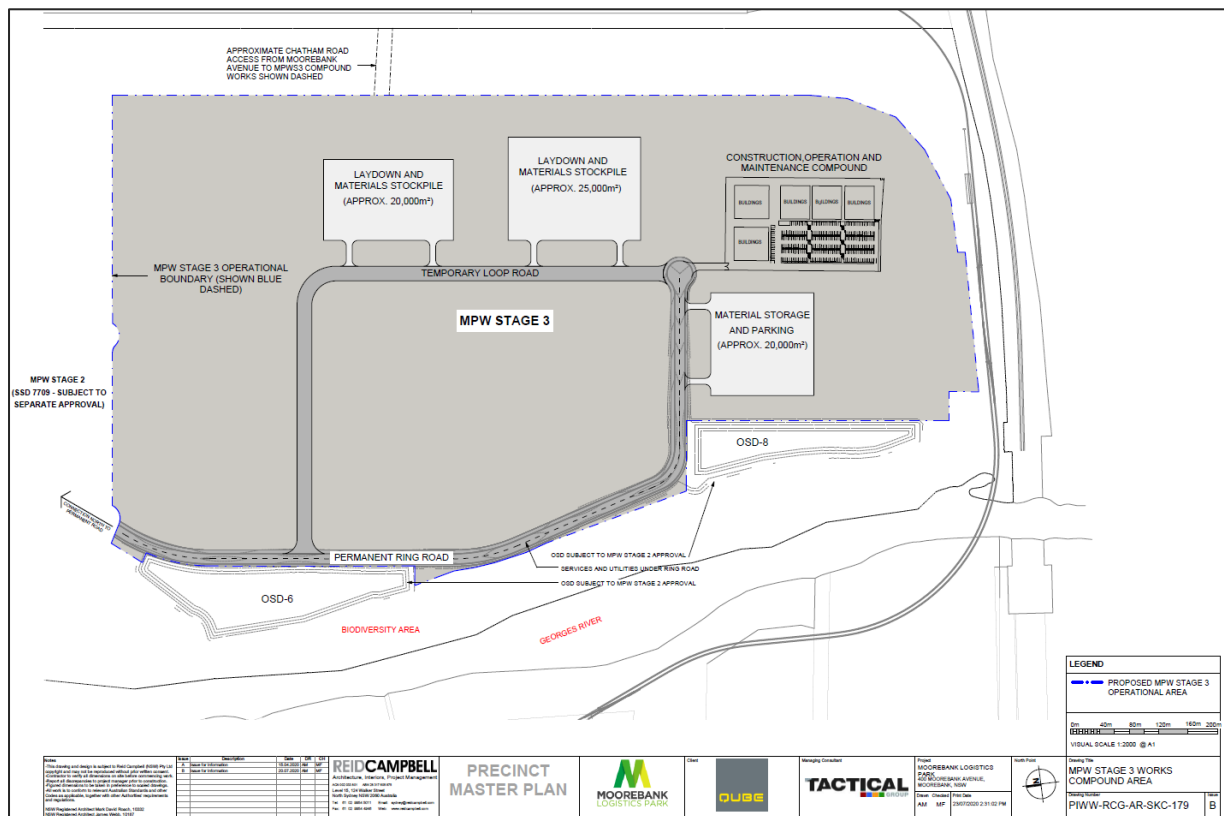


Figure 5 | Proposed MPW Stage 3 temporary works compound area (Source: Applicant's RtS)

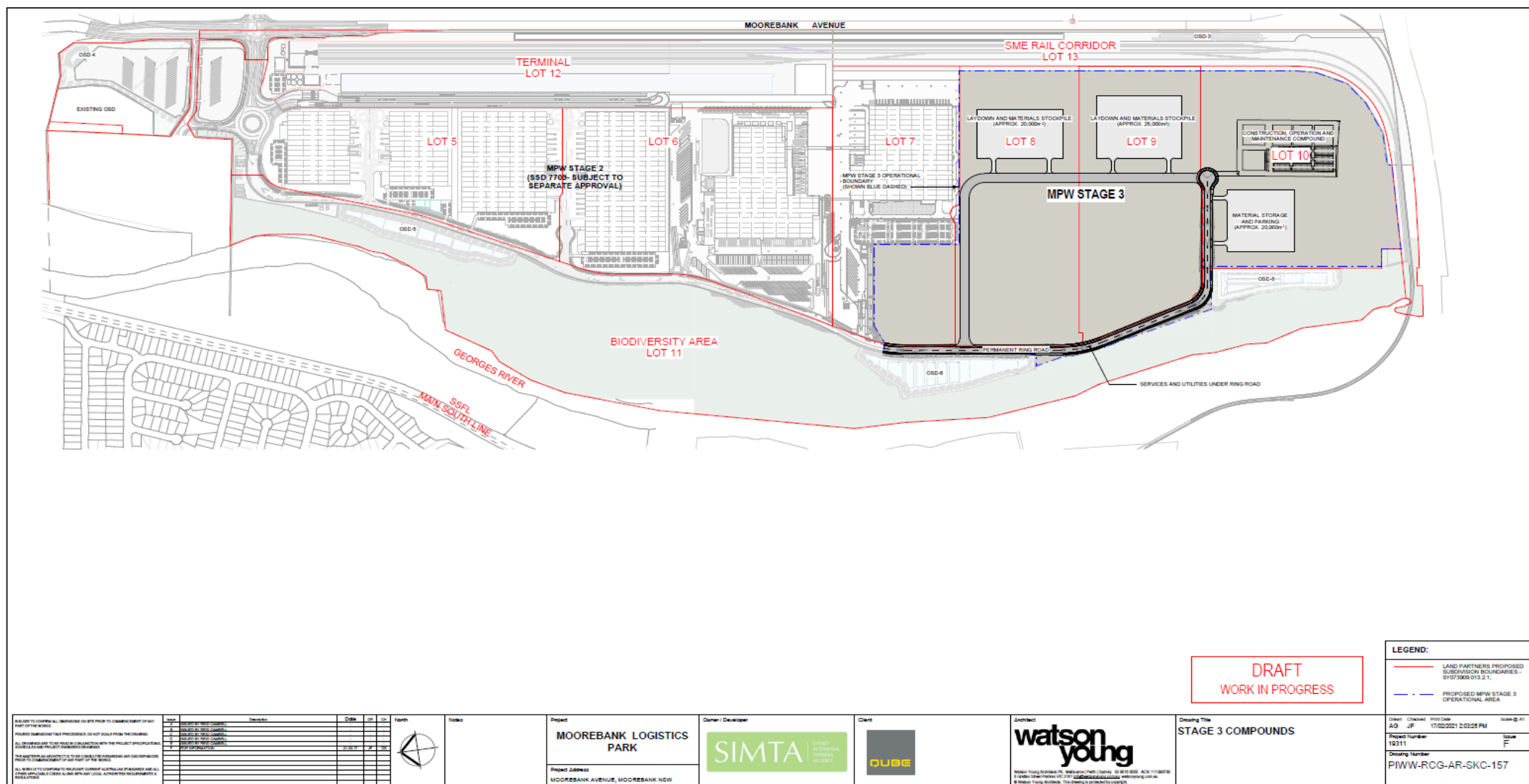


Figure 6 | Overlay of Plan of Subdivision and temporary works compound in southern portion of site (Source: Applicant's response to request for additional information, February 2021)

2.3 Timing

Construction activities

2.3.1 Establishment and use of the temporary construction works compound area would occur over approximately 24 months. Key construction phases for MPW Stage 3 construction works include:

- fill importation
- internal road, services and utilities
- construction works compound.

2.3.2 These construction phases would generally occur across a 24-month construction period, depending on delivery of the MPW development more broadly. The Applicant's indicative construction program for MPW Stage 3, as of November 2020, is provided at **Table 3**, which assumes an indicative start date in Q1 2021.

Table 3 | Indicative construction program for MPW Stage 3

Construction Phase	Year 1 (2021)				Year 2 (2022)			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Fill Importation								
Internal road, services and utilities								
Construction compound								

2.3.3 Use of the temporary construction works compound area would occur concurrently with construction and operation of various stages of MPW and MPE. The Applicant's indicative timeline of cumulative construction works across MPW Stage 2, MPW Stage 3 and MPE Stage 2 is provided at **Appendix E**. The temporary construction works compound area is proposed to be decommissioned at the end of 2022, to allow for the construction of warehouse and distribution facilities on the southern portion of the MPW site under any future planning approval(s) for those buildings.

2.3.4 The Applicant has characterised use of the temporary construction works compound area, fill importation and ancillary development as construction activities, noting that there is no operational component to these temporary activities that are required to support construction works for MPW. The Applicant defines construction, as prescribed under the MPW Stage 2 development consent, to 'include all works required to construct the development, including but not limited to demolition, importation of fill and fill emplacement, earthworks, removal of spoil, commissioning trials of equipment and temporary use of any part of the development'. The Department acknowledges that construction works proposed under MPW Stage 3 generally fall under Works Period C (bulk earthworks, drainage and utilities), as described under the MPW Stage 2 consent.

2.3.5 The Department accepts the use of the area to be 'construction', as the works are required to facilitate construction of the MPW development and are intended to be temporary in nature. Subdivision of the MPW site and operation of the permanent perimeter road are the only operational components proposed under MPW Stage 3.

2.3.6 The Standard construction work hours for the proposal are:

- 7 am to 6 pm Monday to Friday
- 8 am to 1 pm Saturday
- no work on Sundays or public holidays.

2.3.7 In addition to standard construction work hours, the Applicant proposes to undertake certain construction works outside of standard hours, in accordance with an out of hours works (OOHW) protocol. OOHW construction periods proposed by the Applicant are outlined in **Table 4** and were assessed as construction noise at **Section 6.6**.

Table 4 | OOHW construction periods

OOHW Period	Time	Days
OOH Period 1	6 am to 7 am	Monday to Friday
OOH Period 2	6 pm to 10 pm	Monday to Friday
OOH Period 3	7 am to 8 am	Saturday
OOH Period 4	1 pm to 6 pm	Saturday

Subdivision

2.3.8 The Applicant proposes to progressively subdivide the MPW site in a staged manner. Timing of subdivision works would largely be driven by market demand for warehousing and distribution facilities. The proposed staged approach to tenanting warehouses would enable long term leasing of individual warehouses and registration of these at the NSW Land Registry Services.

2.3.9 To manage subdivision of the MPW site, the Applicant proposes to implement a Subdivision Staging Plan that clearly identifies each stage of the subdivision proposed, and relevant estate works that relate to each stage (including, but not limited to, site services, internal roads and stormwater drainage). Subdivision works would be undertaken in accordance with the Subdivision Staging Plan. The Department's consideration of the proposed Subdivision Staging Plan is at **Section 6.3**.

2.3.10 Indicative timing for the final plans of subdivision to be submitted to the Certifier and Planning Secretary would be market driven and dependent on construction progress and is expected to be between Q1 2021 through to Q4 2023.

3 Strategic context

- 3.1.1 The Moorebank Intermodal Precinct is identified as an 'important freight and logistics precinct' in *Building Momentum: State Infrastructure Strategy 2018-2038* (NSW 2018). The Strategy indicates that the terminal is one of the 'highest priority investments necessary to achieve a target of carrying 40 per cent of containerised traffic on rail to and from Port Botany' to alleviate existing congestion on the road network around the site.
- 3.1.2 The *Future Transport Strategy 2056* (NSW Government 2018) emphasises the need for safe, efficient and sustainable movement of freight, and sets a series of future directions for investigation, including expanding intermodal rail capacity in Western Sydney. The *NSW Freight and Ports Plan* (NSW Government 2018) concludes that intermodal terminals within Greater Sydney are 'critical for increasing the utilisation of the rail freight network, particularly containers to and from Port Botany'.
- 3.1.3 The Greater Sydney Commission's (GSC) *Greater Sydney Regional Plan – A Metropolis of Three Cities* (2018), notes that freight volumes are forecast to 'almost double in the next 40 years' and 'increasing importance [is] placed on 24/7 supply chain operations to maintain Greater Sydney's global competitiveness.' The Plan notes that 'substantial future industrial land supply', including the Moorebank Intermodal, 'will support large-scale logistics growth'.
- 3.1.4 The development is identified in the GSC's *Western City District Plan* (2018), which states that:

Investment in potential dedicated freight corridors will allow a more efficient freight and logistics network. Moorebank Intermodal Terminal is currently under construction in western Sydney, and will provide an integrated service including interstate terminals, warehousing, retail and service offerings, and rail connection to the Southern Sydney Freight Line, which also provides dedicated freight rail access all the way to Port Botany. Transport for NSW and the Australian Government are committed to supporting efficient movement of goods close to the Moorebank Intermodal Terminal by facilitating freight rail and road access.

4 Statutory context

4.1 State significance

- 4.1.1 The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$30 million (\$38,061,404) and is for the purpose of rail and related transport facilities under clause 19 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.2 Consent authority

- 4.2.1 In accordance with clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission (the Commission) is the consent authority if Council objects to the development within the mandatory community participation period specified in Schedule 1 of the EP&A Act.
- 4.2.2 As Liverpool City Council objected to the proposed development during the exhibition period, the Commission is the consent authority.

4.3 Permissibility and variation to development standard

Permissibility

- 4.3.1 The site is identified as being located within the IN1 General Industrial zone under the Liverpool Local Environmental Plan (LLEP). The proposal is for a 'freight transport facility' and 'warehouse or distribution centres', which are permissible with consent within the General Industrial zone.
- 4.3.2 Therefore, the Commission may determine the carrying out of the development.

Variation to development standard

- 4.3.3 Various development standards apply to the proposal under the LLEP. The Department has considered the proposal against these development standards at **Appendix B** and is satisfied the proposal complies with all relevant standards, except the LLEP minimum subdivision lot size.
- 4.3.4 The Applicant seeks to vary the minimum subdivision lot size development standard, as summarised in **Table 5**. Clause 4.6 of the LLEP includes provisions that allow for exceptions to development standards in certain circumstances. In considering a variation to a development standard, the consent authority must have regard to the requirements of clause 4.6.
- 4.3.5 The Department has considered the merits of the proposed variation to the development standard at **Section 6.3** and the requirements of clause 4.6 in detail at **Appendix C**. In summary, the Department concludes the proposed variation to the minimum subdivision lot size is reasonable and justified.

Table 5 | LLEP minimum subdivision lot size development standard and proposed variations

Proposed lot number	Approximate size (ha) of proposed lot	LLEP minimum subdivision lot size ¹	Difference	Complies
5	24.46 ha	120 ha	deficiency of 95.54 ha	No
6	22.92 ha		deficiency of 97.08 ha	No
7	16.18 ha		deficiency of 103.82 ha	No
8	16.14 ha		deficiency of 103.86 ha	No
9	14.73 ha		deficiency of 105.27 ha	No
10	17.38 ha		deficiency of 102.62 ha	No
11	44.82 ha		deficiency of 75.18 ha	No
12	20.48 ha		deficiency of 99.52 ha	No
13	12.28 ha		deficiency of 107.72 ha	No

Note: See clause 4.1 and Lot Size Map LSZ-013 of the LLEP.

4.4 Other approvals

- 4.4.1 Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.
- 4.4.2 Under section 4.42 of the EP&A Act, a number of further approvals are required, and must be substantially consistent with any development consent for the proposal (e.g. approval for any works under the *Roads Act 1993*).
- 4.4.3 The Applicant advised that Environment Protection Licence (EPL) 21054 applies to the construction and operation footprint of the MPW and MPE sites. Crushing, grinding or separating activities are proposed as part of MPW Stage 3 works. These activities are identified as scheduled activities listed under Schedule 1 of the *Protection of the Environment Operations Act (1997)* (POEO Act). The Applicant considered that no further revisions to EPL 21054 are required to undertake crushing works at the proposed works compound for MPW Stage 3.
- 4.4.4 The Department has consulted relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and included suitable conditions in recommended conditions of consent (**Appendix F**).

4.5 Mandatory matters for consideration

Environmental planning instruments

- 4.5.1 Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is relevant to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the proposal.
- 4.5.2 The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

Objects of the EP&A Act

- 4.5.3 The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 6**.

Table 6 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal provides for subdivision of an intermodal facility in a strategically important location within Western Sydney. The proposal would support rail-based freight services that provide increased productivity and capacity of the freight network, consequently relieving pressure on roads around Port Botany. Impacts on traffic and noise arising from the proposal can be appropriately managed and mitigated. The development would have no significant impact on the State's natural and other resources.
(b) to facilitate Ecologically Sustainable Development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) (Section 4.6).
(c) to promote the orderly and economic use and development of land,	The site is identified in government policy as an intermodal site of strategic importance and the proposal is consistent with the strategic vision for the site. The proposal would support the construction and operation of freight and logistics in Western Sydney and would therefore have significant positive economic impacts.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of nature animals and plants, ecological communities and their habitats,	<p>The MPW Stage 3 proposal would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats.</p> <p>No clearing is to occur as a result of this proposal. The Department acknowledges the footprint of the MPW Stage 3 proposal is situated entirely within the approved construction boundary of the MPW Stage 2 proposal. All vegetation within the site was previously approved for removal under the MPW Stage 2 (SSD 7709) consent, subject to requirements for biodiversity offsetting under that consent. Consequently, the site would be cleared prior to the commencement of MPW Stage 3 works.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	Section 6.8 considers the proposal's impacts on heritage items, though heritage salvage has occurred on the site under previous projects, including the MPW Concept Plan and Early Works consent.
(g) to promote good design and amenity of the built environment,	Section 6.8 considers the proposal's design and amenity.
(h) to promote the proper construction and maintenance of buildings, including the	Section 6.8 considers the proposal's built form.

protection of the health and safety of their occupants,	
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5), which included consultation with Council and other public authorities, and considered their responses (Section 5 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners, placing a notice in newspapers, and displaying the proposal on the Department's website. Issues raised in submissions are considered in Section 6 .

4.6 Ecologically sustainable development

- 4.6.1 The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:
- the precautionary principle
 - inter-generational equity
 - conservation of biological diversity and ecological integrity
 - improved valuation, pricing and incentive mechanisms.
- 4.6.2 The MPW Concept Plan approval proposed several ESD initiatives and sustainability measures that are applicable to MPW Stage 3 construction works, including (but not limited to):
- encouraging materials recycling, re-use and waste minimisation initiatives, including recycling waste from lunch rooms, administration offices and maintenance activities.
 - minimising energy use, including consideration of procuring plant, equipment, fixtures and fittings with minimum energy efficiency performance standards and use of solar panels and/or green energy across the precinct, as appropriate
 - minimising use of potable water and promoting use of recycled water.
- 4.6.3 Further, the Applicant advised relevant ESD principles and guidelines proposed as part of the MPW Concept Plan would be incorporated into lease agreements for subdivided warehousing and distribution facility allotments on the MPW site.
- 4.6.4 The Department has recommended a condition that requires the Applicant to incorporate sustainability measures and practices as part of the Construction Environmental Management Plan for the development.
- 4.6.5 The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough a rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in section 17.5 of the EIS, which has been prepared in accordance with the requirements of Schedule 2 of the

EP&A Regulation. The Department considers the application can promote ESD, subject to the recommended conditions.

4.7 Environmental Planning and Assessment Regulation 2000

- 4.7.1 Subject to any other reference to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.8 Planning Secretary's Environmental Assessment Requirements

- 4.8.1 On 20 March 2020, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the proposal. The Department is satisfied that the EIS and RtS is compliant with the SEARs and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.9 Section 4.15(1) matters for consideration

- 4.9.1 **Table 7** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided in **Section 6** and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 7 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B of this report.
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B of this report.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Act Regulation, including procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to the EIS.
(a)(v) any coastal zone management plan	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	The likely impacts of the development have been appropriately mitigated or conditioned as discussed in Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Section 5 and Section 6 .

4.10 Biodiversity Conservation Act 2016

- 4.10.1 Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), requires all applications for SSI and SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.
- 4.10.2 On 11 February 2020, the Applicant submitted a request to the Department to waive the requirement to submit a BDAR and included an ecological assessment as part of its request. The assessment found that the proposal does not require the removal of vegetation or other biodiversity features, including threatened species, threatened ecological communities, or their habitats. All vegetation existing within the MPW development area (excluding the biodiversity area proposed in lot 11) was approved for removal under the MPW Stage 2 (SSD 7709) consent.
- 4.10.3 On 13 March 2020, the Environment, Energy and Science Group (EESG) of the Department determined that the proposal is not likely to have a significant impact on biodiversity values and a BDAR is not required to accompany the application.
- 4.10.4 The Department supported EESG's decision and it was determined that the application is not required to be accompanied by a BDAR under section 7.9(2) of the BC Act. Consequently, a BDAR waiver was issued on 17 March 2020.

5 Engagement

5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 30 April 2020 until 27 May 2020 (28 days). The application was made publicly available on the Department's website.
- 5.1.2 The Department placed a public exhibition notice in the Sydney Morning Herald and the Daily Telegraph on 29 April 2020 and notified adjoining landholders and relevant state and local Government authorities in writing. On 19 February 2020 and 16 December 2020, Department representatives visited the site to provide an informed assessment of the development.
- 5.1.3 The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions of consent at **Appendix F**.

5.2 Summary of submissions on EIS

- 5.2.1 The Department received a total of 40 submissions, comprising 11 submissions from public authorities providing comments and an objection from Liverpool City Council, 4 submissions from special interest groups (all objections) and 25 public submissions (all objections). A summary of submissions received is outlined in **Table 8** and copies of the submissions may be viewed at **Appendix A**.

Table 8 | Summary of submissions

Submitters	Number	Position
Government agency	11	
Liverpool City Council (Council)	1	Object
Environment Protection Authority (EPA)	1	Comment
Transport for NSW (TfNSW)	1	Comment
Heritage NSW, Department of Premier and Cabinet (Heritage NSW)	1	Comment
Environment, Energy and Science Group (EESG)	1	Comment
Department of Regional NSW - DPI Fisheries	1	Comment
Department of Planning, Industry and Environment – Crown Lands	1	Comment
Department of Planning, Industry and Environment – Water Group, Natural Resources Access Regulator	1	Comment
NSW Rural Fire Service (NSW RFS)	1	Comment
Sydney Water	1	Comment
Endeavour Energy	1	Comment
Special Interest Group	4	
East Liverpool Progress Association	1	Object
George's River Environmental Alliance	1	Object

Residents Against Intermodals Developments Moorebank	1	Object
Bankstown Bushland Society	1	Object
Community	25	
	25	Object
TOTAL	40	

5.3 Public authority submissions

- 5.3.1 A summary of the issues raised in the public authority submissions is provided at **Table 9** and copies may be viewed at **Appendix A**.

Table 9 | Summary of public authority submissions to the EIS exhibition

Council
<p>Council objected to the proposal and raised the following concerns:</p> <ul style="list-style-type: none"> the proposed subdivision would result in a significant non-compliance with clause 4.1 of the LLEP in the order of a 107.72 ha shortfall in the minimum required lot size. the Applicant's Clause 4.6 Variation Request: <ul style="list-style-type: none"> is inconsistent with Objective 1(c) in Clause 4.1 Minimum subdivision lot size of the LLEP. justification provided for Clause 4.6(3a) directly contravenes Condition E26(a) of the Concept Approval SSD 5066 (as modified). the proposed contravention of the minimum lot size would compromise the coordinated and holistic operation and management of MPW. the importation of fill would require haulage on the local road network. improvement works should be carried out to minimise traffic and transport impacts. a contribution scheme for improvements on the local road network has so far not been adequately addressed. engineering comments provided for the various MPW applications have not been adequately addressed.
EPA
<p>EPA did not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"> the Noise Impact Assessment should include a clear timeline of works occurring across the Moorebank Intermodal Precinct to allow a comprehensive cumulative assessment of noise impacts. noise conditions for MPW Stage 2 should be replicated in the consent for the Stage 3 proposal (as far as practical). clarify total amount of fill material to be imported for MPW Stage 2 and 3. fill material imported to site must be restricted to virgin excavated natural material (VENM), in accordance with the <i>Waste Classification Guidelines</i> (EPA 2014), and/or material that meets all the requirements of a Resource Recovery Exemption and Order issued by the EPA. importation of fill across the Moorebank Intermodal Precinct should not exceed 22,000m³ on any given day. appropriate management plans must be in place to minimise the emission of air pollutants, including dust. air quality conditions for MPW Stage 2 should be replicated in the consent for the Stage 3 proposed (as far as practical). based on the documents provided, the EPA is unable to review potential impacts to soil and water quality for the Stage 3 proposal, beyond highlighting the following matters: <ul style="list-style-type: none"> appears to be some inconsistencies between the Stage 3 proposal and what has been assessed in the Soil and Water Management Plan (SWMP) the SEARs for the Stage 3 proposal states that an assessment of soil and water impacts must include a bulk earthworks strategy detailing the volume of spoil to be extracted from the site, planned reuse and amount of material to be imported. This requirement does not appear to have been addressed in the EIS or the SWMP an Erosion and Sediment Control Plan for construction works should be prepared in accordance with the Blue Book Managing Urban Stormwater: Soils and Construction (2004).

- implementation of the Contamination Management Plan (CMP), Moorebank Precinct West (April 2020) developed by EP Risk Management Pty Ltd is included a condition of consent. The EPA has not reviewed the CMP because it was not provided with the EIS. It is recommended that the condition of consent require the proponent to engage an NSW Accredited Site Auditor to review the appropriateness of the CMP.
- If the site-wide Long-Term Environmental Management Plan is to be revised as part of the development, a condition of consent should be included requiring that the proponent engage a NSW Accredited Site Auditor to review the appropriateness of the plan.
- Conditions relating to contamination and remediation for MPW – Stage 2 should be replicated in the consent for Stage 3 (as far as practical).

TfNSW

TfNSW did not object to the proposal, and raised the following concerns:

- clarify inconsistencies between the Transport Assessment Report and the Moorebank Precinct West Stage 2 Proposal – Construction Traffic Impact Assessment, dated October 2016.
- undertake traffic modelling as part of the RtS to confirm the proposed removal of the Chatham Avenue access would not have a material impact on operation of the Moorebank Avenue/Anzac Avenue intersection.

Heritage NSW

Heritage NSW did not object to the proposal and provided the following comments:

- the study area for Stage 1 is consistent with the Stage 3 works area.
- the early works program undertaken as part of SSD 5066 removed all historical archaeological resources which remained in the study area associated with two sites, MHPAD 2 and the CUST Hut.
- no historical archaeological resources will be impacted by the proposed works.
- an unexpected finds protocol should be prepared and implemented to manage the unexpected discovery of historical archaeological relics within a Heritage Management Plan for the site.
- the project and future development on site could have visual impacts on the SHR item Glenfield Farm.
- the EIS should include mitigation measures to address any potential impacts to Glenfield Farm, given that sweeping views to and from the site are one of its most significant aspects.

Environment, Energy and Science Group (EESG)

EESG did not object to the proposal and did not provide any comments.

DPI Fisheries

DPI Fisheries did not object to the proposal and noted it had reviewed the proposal.

Department of Planning, Industry and Environment – Crown Lands

DPIE – Crown Lands did not object to the proposal and provided the following comments:

- a land investigation on the proposal site showed that there is no Crown Land features on the site.
- the MPW site is near the Georges River, a major Crown waterway.
- on the western side of the MPW Stage 3 site is a large 'Biodiversity Area', which borders and will drain to the Georges River (a Crown waterway).
- the 'Biodiversity Area' (within Australian Government land) is approximately 100 m to 200 m wide, which is also the separation distance between MPW Stage 3 and the Georges River.
- No Crown Land is directly affected by the proposal. However, drainage from the MPW Stage 3 proposal would enter the Georges River.

Department of Planning, Industry and Environment – Water Group & Natural Resources Access Regulator

DPIE – Water Group and NRAR did not object to the proposal and provided the following comments:

- the proponent will need to acquire the appropriate Water Access Licenses if the take of water exceeds 3ML/yr.
- any interception of groundwater must be addressed in accordance with the Aquifer Interference Policy.

NSW RFS

NSW RFS did not object to the proposal and advised a bush fire assessment report must be prepared. The bush fire assessment must identify the extent to which the proposed development conforms with or deviates from the relevant provisions of the *Planning for Bushfire Protection 2019*.

Sydney Water

Sydney Water did not object to the proposal and stated Sydney Water servicing requirements for the proposed development are to be delivered under the Notice of Requirements for the Section 73 application that the Applicant has lodged with Sydney Water (CN 144793).

Endeavour Energy

Endeavour Energy did not object to the proposal and provided technical guidelines and support material, in addition to advising that appropriate air quality management measures must be implemented to minimise any impact on the Anzac Village Substation.

5.4 Community submissions

- 5.4.1 A summary of the issues raised in the 29 public submissions (including special interest groups) is provided at **Table 10**. Copies of the submissions may be viewed at **Appendix A**.

Table 10 | Summary of community and public interest group submissions to the EIS exhibition

Issue	No. of Submissions
Site suitability	18 (62%)
Public interest	13 (45%)
Importation of fill material	11 (38%)
Water management and flooding	9 (31%)
Biodiversity impacts	7 (24%)
Subdivision	7 (24%)
Traffic and transport	6 (21%)
Construction activities	5 (17%)
Air quality	3 (10%)
Noise	3 (10%)
Planning process	3 (10%)
Consistency with concept plan	3 (10%)

5.5 Response to submissions

- 5.5.1 Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions. The Department also requested that the following matters be addressed:

- provide further information to support the Applicant's clause 4.6 variation request and demonstrate compliance with condition E26 of Schedule 4 of SSD 5066
- clarify whether the proposed fill volumes are additional to those volumes assessed as part of SSD 5066 and SSD 7709
- provide further information on the likely location of the proposed alternate construction site access and the total number of light vehicle parking bays proposed
- provide evidence of consultation with the Community Consultative Committee (CCC) for MPW Stage 3

- demonstrate that light spill impacts are the same or less than previously assessed and approved as part of SSD 5066 and SSD 7709
- provide detailed justification for all construction activities proposed for MPW Stage 3, including proposed crushing plant.

5.5.2 On 25 August 2020, the Applicant provided a RtS (**Appendix A**), addressing the issues raised in the submissions to the EIS. The RtS did not propose any amendments to the exhibited proposal. However, the RtS did include additional information and justification for the proposal in response to issues raised in submissions.

5.6 Summary of submissions on the RtS

5.6.1 The RtS was made publicly available on the Department's website and referred to relevant public authorities for comment. While the RtS was not publicly exhibited, an additional five submissions were received from Council, EPA, TfNSW, Heritage NSW and DPIE Crown Lands on the RtS. One additional submission was received from a member of the public. A summary of issues raised in submissions on the RtS is provided at **Table 11** and copies of submissions are at **Appendix A**.

Table 11 | Summary of public authority submissions on RtS

Council

Council maintained its objection to the proposal, particularly in regard to proposed subdivision of the MPW site and resulting non-compliance with clause 4.1 of the LLEP. Council advised that it wishes to safeguard the holistic operation and management of the MPW site and to avoid the creation of an industrial park or estate.

Council advised that it is pleased to see the provision for a pedestrian connection to Casula parklands, as indicated on the consolidated landscape plan for the MPW site, and provided in-principle support for this piece of community infrastructure. Council request to be involved in the design and implementation of the pedestrian connection.

EPA

EPA reiterated that Environment Protection Licence (EPL 21054) covers 'crushing, grinding or separating activity', and the impacts that may arise from that activity, at the Moorebank Intermodal Terminal. The EPA noted that no additional activities are required to be added to the licence.

EPA provided the following additional comments in response to the RtS:

- satisfied with the responses to EPA comments on noise and vibration issues in the EIS
- advised that current noise limits are unachievable for MPW and MPE and recommends the issue (identified as part of SSD 5066 MOD 2 and SSD 7709 MOD 1) is addressed before determination of this proposal
- suggested the Applicant should be required to supply any outstanding contamination plans and documents, as required under SSD 7709, and demonstrate they are suitable through a site auditor, before construction works for MPW Stage 3 commence. If deemed suitable, the Contamination Management Plan and Long term Environment Management Plan should be implemented as a condition of consent. Any future revision of these plans as part of the proposal should be subject to an adequacy review by a NSW EPA accredited Site Auditor.
- advised it is satisfied with the Applicant's response to soil and water related issues, however, provided comments and recommendations including:
 - that the Applicant should meet the same requirements as specified in conditions B40 and B44 of MPW Stage 2 for land disturbance and landfilling activities
 - recommended that the proponent prepare and implement a management plan for the proposed construction works in accordance with *Managing Urban Stormwater: Soils and Contamination* (2004)
 - recommended that condition B171 of MPW Stage 2 be replicated for MPW Stage 3
 - recommended inclusion of a condition that restricted import of materials to VENM, which has been appropriately classified in accordance with the *Waste Classification Guidelines* (EPA, 2014)

- recommended inclusion of a condition that restricted importation of fill to no more than 22,000m³ on any given day.

TfNSW

TfNSW provided no further comments on the RtS.

Heritage NSW

Heritage NSW recommended the following conditions:

- a landscape plan shall be developed along the site boundary within proximity of Glenfield Farm as a soft barrier to protect the SHR site and its setting. Landscaping should include shrubs and trees capable of reaching and thus buffering the bulk, height and scale of new and future development. Planting species should be in keeping with those known to have existed in the past on the site or those appropriate to the soils and historic character in the vicinity.
- ensure that if unexpected archaeological deposits or relics not identified or considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and Heritage NSW must be notified.
- should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*.

Department of Planning, Industry and Environment – Crown Lands

DPIE Crown Lands noted that the proposal adjoins and may drain into the adjoining Crown Waterway (Georges River), and that License 616970 has been established for this purpose. All conditions of that licence must be adhered to for the duration of the proposal.

One public submission was received on the RtS, which raised concerns about the accuracy of traffic modelling undertaken for the proposal.

5.7 Supplementary information

- 5.7.1 The Department made a series of requests for additional information between September 2020 and December 2020, to provide clarification and inform its assessment following agency submissions on the RtS. Supplementary information provided by the Applicant addressed concerns about importation of fill material, subdivision of the MPW site, and staging. Copies of the Applicant's responses are available in **Appendix A**.

6 Assessment

6.1 Introduction

6.1.1 The Department has considered the EIS, the issues raised in submissions, the Applicant's RtS and supplementary information provided in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- consistency with concept plan approval
- subdivision
- importation of fill material
- construction traffic and access
- construction noise
- construction soil and water management.

6.1.2 Each of these issues is discussed in the following sections of this report. Other issues taken into consideration during assessment of the application are discussed in **Section 6.8**.

6.2 Consistency with concept plan approval

6.2.1 The MPW Concept Plan approval (SSD 5066) set out a number of conditions to be met in future development applications on the MPW site, including this application for MPW Stage 3.

6.2.2 The Department has assessed the MPW Stage 3 application in accordance with these conditions set out under the MPW Concept Plan approval. This is considered in detail at **Appendix D** and consistency with condition E26 (subdivision requirements) is detailed in **Section 6.3**.

6.2.3 Overall, the Department considers the proposal is generally consistent with the conditions to be met in future development applications set out in the MPW Concept Plan approval.

6.3 Subdivision

6.3.1 The proposal involves the subdivision of the MPW site to enable long term leasing of buildings and tenancing of individual warehouses as part of the MPW development. The Department understands that six of the nine proposed lots are to be used for future warehousing and distribution facilities, in accordance with the uses approved in the MPW Concept Plan.

6.3.2 The Applicant advised that the duration of sub-leasing those lots is likely to be greater than five years. Long term leasing is not uncommon on large-scale warehousing and distribution projects; however, leases greater than five years in duration must relate to one or more specific parcels of land, not parts of a parcel of land. Consequently, the Applicant seeks to enable subdivision of the MPW to allow long term leasing of discrete warehousing areas, while also subdividing the balance of the site to reflect separate rail link and biodiversity uses.

Subdivision layout and design

6.3.3 The proposal seeks approval to subdivide existing lot 1 DP 1197707 into nine allotments (ranging from 12.28 ha to 44.82 ha). Overall, the subdivision layout seeks to divide the MPW site into four main functional areas, comprising six lots to be used for future warehousing and distribution facilities, one

lot to be used as a biodiversity conservation area, one lot to be used as an interstate/intrastate freight terminal and one lot to be used as part of the rail connection.

- 6.3.4 **Table 12** provides a description of each proposed subdivided lot. The total area of the MPW site proposed to be subdivided is approximately 189.4 ha. The proposed plan of subdivision for the MPW site is at **Figure 7**. Proposed lot dimensions and easements for drainage, services and access are at **Figure 8** and **Figure 9**.

Table 12 | Proposed subdivision lots of the MPW site

Proposed lot number	Approximate size (ha)	Description
5	24.46 ha	Northern portion of MPW site, to be used for warehousing and distribution facilities in accordance with the MPW Concept Plan and Stage 2 consents.
6	22.92 ha	Central portion of MPW site, to be used for warehousing and distribution facilities in accordance with the MPW Concept Plan and Stage 2 consents.
7	16.18 ha	Central portion of MPW site, to be used for warehousing and distribution facilities in accordance with the MPW Concept Plan and Stage 2 consents.
8	16.14 ha	Southern portion of the MPW Site, to be used under this proposal for hardstand, laydown and material stockpile areas to support the temporary works compound, in addition to a temporary loop road. Future proposed use of the lot is for warehousing and distribution facilities in accordance with the MPW Concept Plan and subject to a future development application.
9	14.73 ha	Southern portion of the MPW Site, to be used under this proposal for hardstand, laydown and material stockpile areas to support the temporary works compound. Future proposed use of the lot is for warehousing and distribution facilities in accordance with the MPW Concept Plan and subject to a future development application.
10	17.38 ha	Southern portion of the MPW Site, to be used under this proposal for establishment of the works compound, materials and storage area and car parking. Future proposed use of the lot is for warehousing and distribution facilities in accordance with the MPW Concept Plan and subject to a future development application.
11	44.82 ha	Adjacent to western boundary of the MPW site (running along the eastern side of the Georges River), to be used primarily as a biodiversity conservation area, inclusive of maintenance roads, the development perimeter road and stormwater management functions, to the west of the MPW development site adjacent to the Georges River.
12	20.48 ha	Adjacent to the north-eastern boundary of the MPW site, to be used as an interstate/intrastate freight terminal in accordance with the MPW Concept Plan and MPW Stage 2 consents.
13	12.28 ha	Adjacent to the south-eastern boundary of the MPW site, to be used as part of the rail connection (known as the SME rail corridor).

- 6.3.5 Subdivision of the site encompasses the broader MPW site, including land subject of the MPW Stage 1 and Concept Plan (SSD 5066) and MPW Stage 2 (SSD 7709) consents, and the site of the proposed works under this application.
- 6.3.6 The MPW site is proposed to be subdivided in a staged manner, with all proposed easements to be created in accordance with the requirements of the *Conveyancing Act 1919*. The Applicant asserts that staged subdivision of the MPW site would provide a consistent approach to site operations

between the MPW and MPE sites and would not compromise the holistic management of separate functions on the MPW site.

- 6.3.7 The Department notes that the plan of subdivision submitted as part of the RtS has changed since initial submission of the EIS. Importantly, the Applicant has marginally altered the lot sizes for several of the proposed lots and removed some easements for right of access and drainage of water (including Onsite Detention (OSD) Basins), instead showing those easements as whole of lot easements in the updated plan of subdivision. The plans presented in this report are the final plans submitted by the Applicant.
- 6.3.8 The Applicant asserts that the updated plan of subdivision to include whole of lot easements, would provide surety for the provision of necessary infrastructure, while allowing flexibility to implement estate infrastructure to meet final site development design for individual lot tenants.
- 6.3.9 Existing and future whole of lot easements would also maintain internal connectivity and interdependences between individual intermodal functions within the development, and would not compromise a holistic approach to managing the site.
- 6.3.10 In granting partial consent to subdivision as part of the Moorebank Precinct East (MPE) Stage 2 development, the Commission imposed conditions allowing the submission of final layout plans, which identify relevant estate works on the site (including, but not limited, to site services, internal roads and stormwater drainage), to be deferred to post approval. Consistent with MPE Stage 2, final layout plans for this proposal are still pending, but can be appropriately resolved through post approval submissions.
- 6.3.11 Accordingly, the Department has recommended conditions that require the provision of this information to the Planning Secretary prior to issue of a subdivision certificate for the first and any subsequent stages of subdivision.

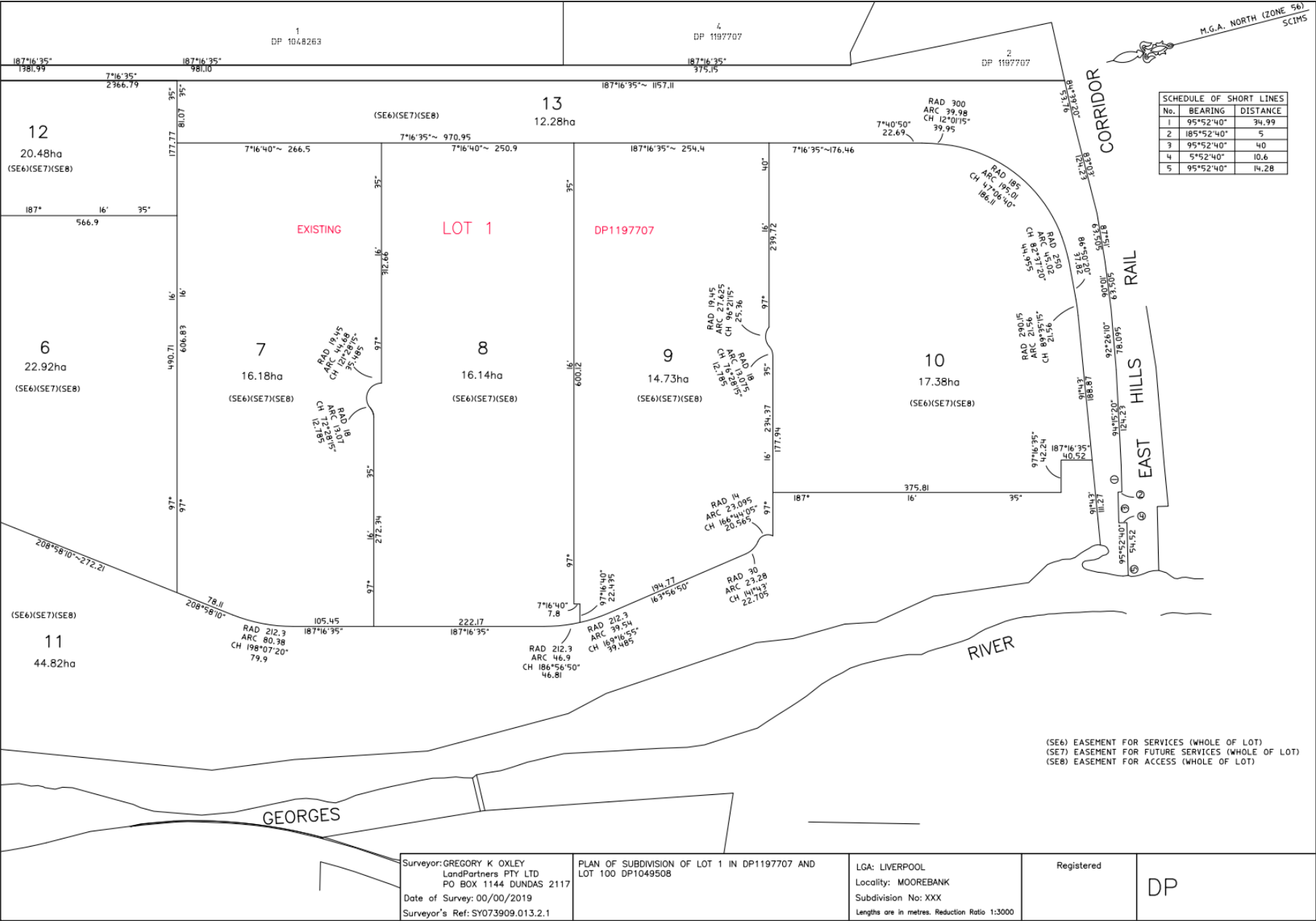


Figure 8 | Proposed draft plan of subdivision of existing lot 1 in DP 1197707 including lot dimensions – Sheet 03 of 03 (Source: Applicant's RtS)

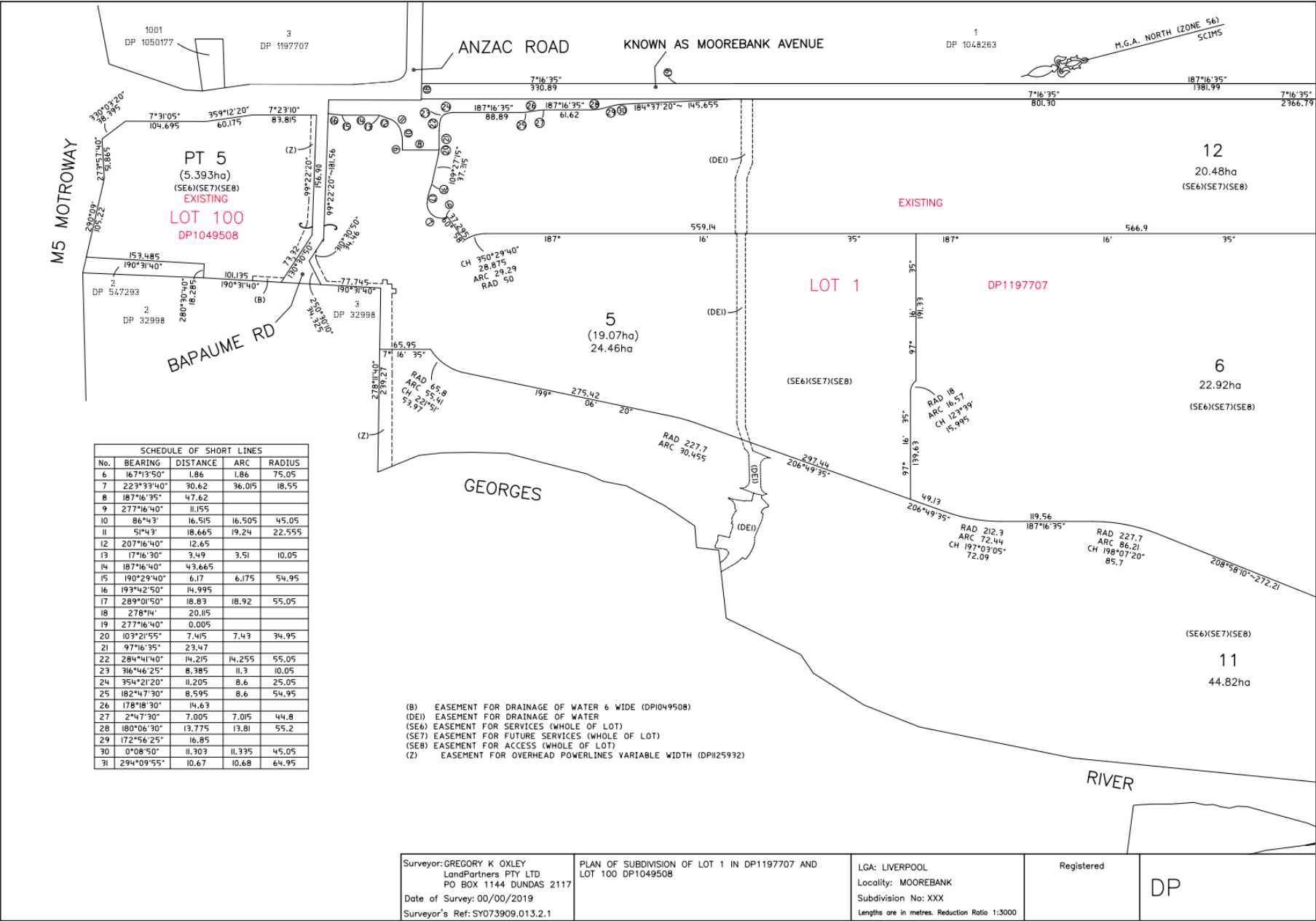


Figure 9 | Proposed draft plan of subdivision of existing lot 1 in DP 1197707 including lot dimensions – Sheet 02 of 03 (Source: Applicant's RtS)

Compliance with conditions to be met in future development applications for subdivision

6.3.12 The Commission, in approving MPW Concept Plan MOD 1 and incorporating subdivision as part of that approval, gave clear guidance that subdivision is supported and envisioned for the MPW site — subject to compliance with future environmental assessment requirements added to the MPW Concept Plan approval as part of MOD 1.

6.3.13 Condition E26 of MPW Concept Plan MOD 1 sets out requirements that must be met in any future development application for subdivision of the MPW site. The Department's consideration of the proposal's compliance with condition E26 is below.

Compliance with minimum lot size

6.3.14 Condition E26(a) of the MPW Concept Plan MOD 1 requires the Applicant to demonstrate compliance with the minimum lot size specified in the LLEP.

6.3.15 The Applicant submits that all proposed lots (lots numbered 5 to 13 inclusive) contravene the minimum subdivision lot size development standard on the MPW site — under clause 4.1 of the LLEP, the minimum subdivision lot size development standard for the MPW site is currently 120 ha — but the proposal would comply with the provision if a clause 4.6 variation is approved.

6.3.16 Clause 4.6 of the LLEP provides flexibility in applying certain development standards. The Applicant provided justification for contravening the minimum subdivision lot size development standard as part of the MPW Stage 3 EIS, for the reasons provided in detail at **Appendix C** and summarised below with reference to Clause 4.6(3):

- compliance with the standard is unreasonable in the circumstances of the case as subdivision of the site is consistent with the intent of the MPW Stage 1 and Concept Plan (SSD 5066) approval. As the site is 189.4 ha, strict compliance with the minimum subdivision lot size requirement of 120 ha is unreasonable
- compliance with the standard is unnecessary in the circumstances of the case as compliance would not provide additional security in relation to site maintenance and management under the proposed subdivision tenancing arrangement. Subdivision of the site would support the intended use of the site, similar to that of the MPE site
- environmental planning grounds for contravening the development standard are:
 - the proposed subdivision would not compromise the ability of the MPW development to meet IN1 General Industrial zone objectives, or the minimum lot size requirement objectives under Clause 4.1 of the LLEP
 - contravention of the development standard does not raise any matters of significance for state or regional environmental planning
 - exception to the development standard does not compromise the development's consistency with the MPW Concept Plan
 - the proposed subdivision aligns with the approved subdivision on the adjacent MPE site.

6.3.17 The Department has carefully considered concerns raised by Council regarding subdivision of the MPW site. In its submission on the EIS, Council objected to subdivision of the MPW site on the following grounds:

- the proposed subdivision would result in a significant non-compliance of the minimum subdivision lot size development standard
- the Applicant's clause 4.6 variation request is inconsistent with objective 1(c) in clause 4.1 of the LLEP
- the justification provided for clause 4.6(3a) contravenes condition E26(a) of the MPW Concept Plan
- contravention of the minimum subdivision lot size would compromise the coordinated and holistic operation and management of the site.

6.3.18 As part of the RtS, the Applicant reiterated that compliance with the development standard is considered unreasonable, as the proposed subdivision is consistent with the intent of the approved MPW Concept Plan approval and compliance with the existing minimum lot size (120 ha) would prohibit subdivision of the MPW site. The Applicant committed to ensuring warehousing and distribution facilities on the site would only be used for activities associated with freight using the intermodal terminal facility.

6.3.19 Further, the Applicant advises subdivision of the site would:

- facilitate the allocation of distinct management responsibility for separate functions of the site (i.e. the freight terminal, rail connection, warehousing and distribution facilities and biodiversity conservation area)
- not compromise the site's ability to provide for industrial and warehouse land use
- enable the long term lease of buildings and tenancing of individual warehouses, therefore allowing the orderly and efficient operation and management of the MPW site
- have a negligible visual impact to that which has already been assessed under the MPW Concept Plan approval and MPW Stage 2.

6.3.20 In correspondence to the Department (dated 29 September 2020), Council advised that it maintained its objection to the proposal, particularly regarding the proposed subdivision of the site. Council reinforced its desire to safeguard the holistic operation and management of the MPW site and advised that further separation of distinct warehouse groups into individual lots is not supported.

6.3.21 The Department has carefully considered advice provided by Council in its assessment of the Applicant's clause 4.6 request and in its evaluation of the subdivision proposal generally. The Department considers that concerns raised by Council can be appropriately managed through proposed conditions of consent, including implementation of a centrally administered management framework as described in the EIS, to avoid fragmentation of the MPW site.

6.3.22 The Department is satisfied that the:

- Applicant has adequately addressed Clause 4.6(3) of the LLEP
- proposed subdivision is consistent with the objectives of the minimum subdivision lot size standard as:
 - contravention to the standard does not compromise the development's consistency with the MPW Concept Plan

- contravention of the standard would allow MPW to align with the approved subdivision on the adjacent MPE site
- the site would remain consistent with the surrounding industrial land use
- proposed development would be consistent with the objectives for the IN1 General Industrial Zone which include provision of a wide range of industrial and warehouse land uses and to minimise any adverse effect of industry on other land uses
- contravention of the development standard does not raise any matters of significance for State or regional environmental planning
- public benefit of maintaining the development standard for the site is not considered critical as:
 - it is consistent with the objectives of the LLEP minimum subdivision lot size development standard
 - it is consistent with the objectives for development within the zone
 - the Department recommends additional conditions relating to subdivision to minimise impacts.

6.3.23 The Department acknowledges that subdivision of the MPW site is currently unachievable without contravention of the minimum subdivision lot size of 120 ha. The Department considers that contravention of the minimum subdivision lot size, to allow the proposed subdivision of the MPW site in **Figure 7** is acceptable, for the reasons stated in paragraph 6.3.22.

Plan of subdivision and required details

6.3.24 Condition E26(c) of the MPW Concept Plan MOD 1 requires the Applicant to provide a subdivision plan showing completed estate works for any future development application for subdivision on the MPW site. As part of the proposal, the Applicant provided a draft plan of subdivision for the MPW site (**Figure 7**, **Figure 8** and **Figure 9**). The draft plan of subdivision details easements for access, services and drainage (including 'whole of lot' easements) required to maintain internal connectivity, and interdependencies between individual intermodal functions within the MPW site.

6.3.25 Further, the Department requested that all proposed estate works on the MPW site, including maintenance of access roads, pedestrian paths, landscaping, lighting of common areas and provision for emergency services including firefighting, be clearly illustrated as part of the proposal. As part of the RtS, the Applicant provided landscape drawings extracted from the MPW Stage 2 Urban Design Development Report (UDDR) (**Figure 10**), to illustrate the proposed project layout and estate works for the northern portion of the MPW site only. The Department notes that since submission of the landscape drawings, a modification to the MPW precinct layout (as part of MPW Stage 2 MOD 1 and MPW Concept Plan MOD 2) has been approved (see amendments at **Figure 11** and **Figure 12**). The Applicant asserts that the changed operational boundary and precinct layout proposed as part of those modifications does not represent a subdivision boundary, and that partial coverage of a lot by warehousing aligns with MPE, where multiple tenants and common areas are located on a single lot.

6.3.26 To ensure that relevant estate works (including, but not limited to, site services, internal roads and stormwater drainage) are completed prior to the issue of a Subdivision Certificate for each relevant stage, the Department recommends a condition requiring the Applicant to prepare and submit a Subdivision Staging Plan to the Planning Secretary for approval. The Applicant must carry out all

subdivision work in accordance with the approved Subdivision Staging Plan. The Applicant has also committed to revise the MPW Stage 2 UDDR to accommodate updated estate works completed under MPW Stage 3, as required.

- 6.3.27 The Department understands that warehousing and distribution facilities for the southern portion of the MPW site would be subject to a potential future planning approval.

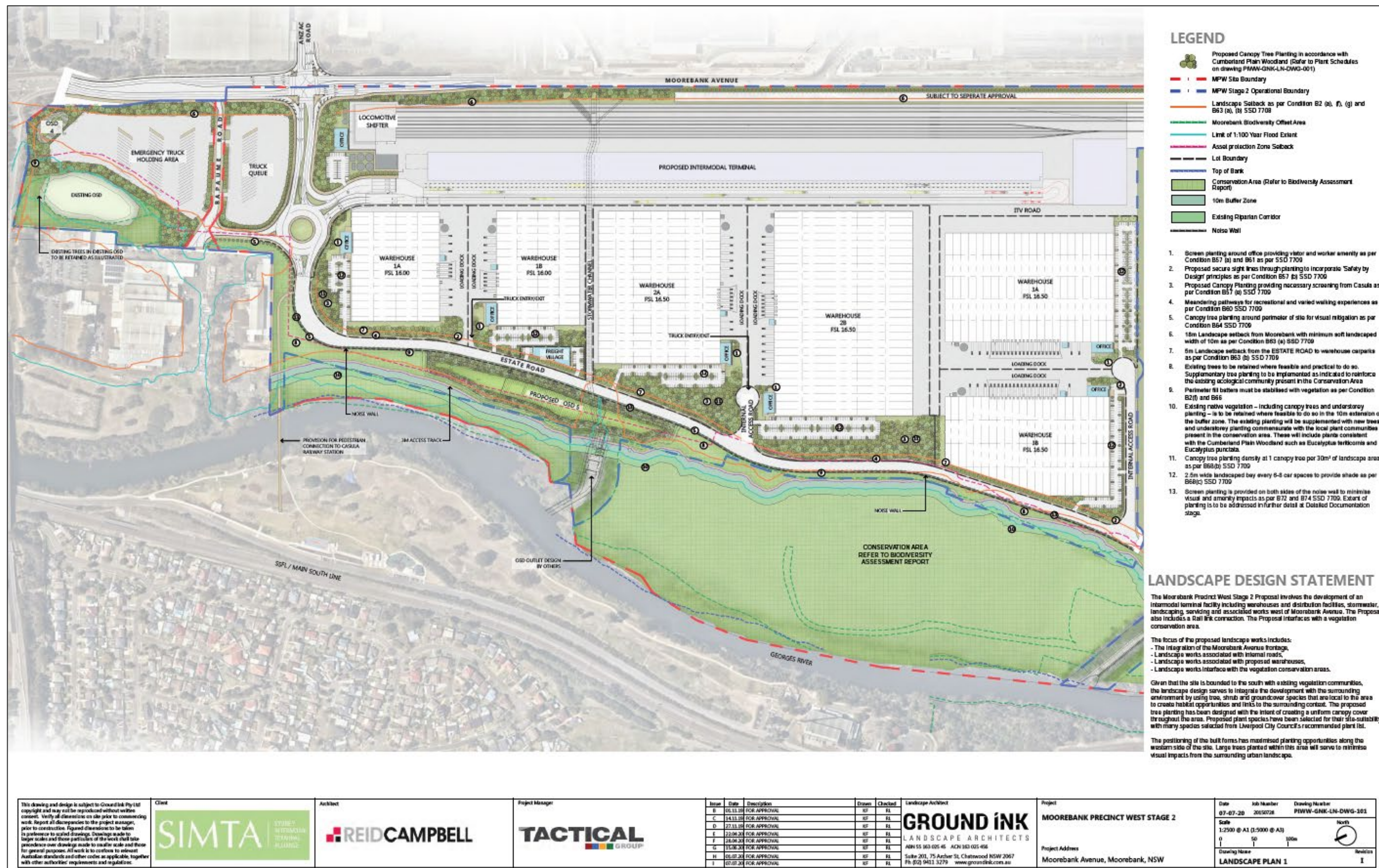


Figure 10 | MPW Stage 2 Urban Design – previously proposed estate works for northern portion of MPW site (Source: Applicant's RtS)

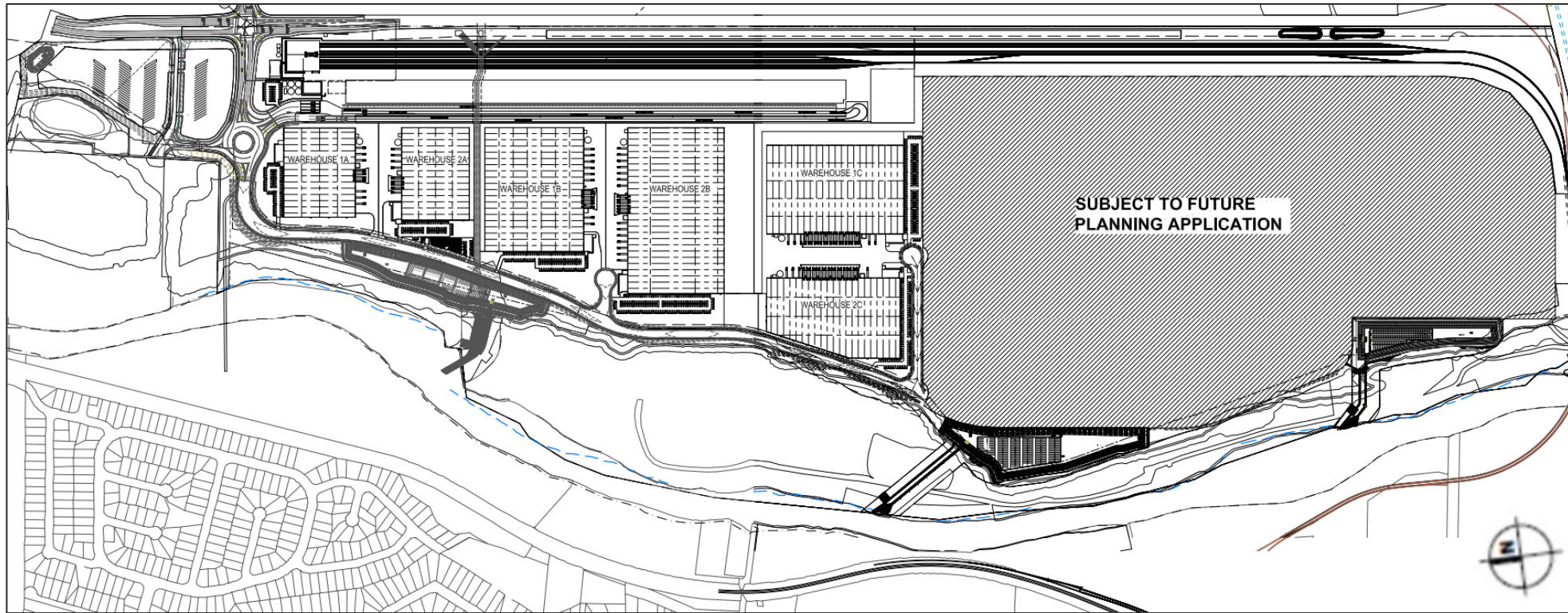


Figure 11 | Original Precinct Plan approved under SSD 5066 and SSD 7709 (Source: Applicant's SSD 5066 MOD 2 report)

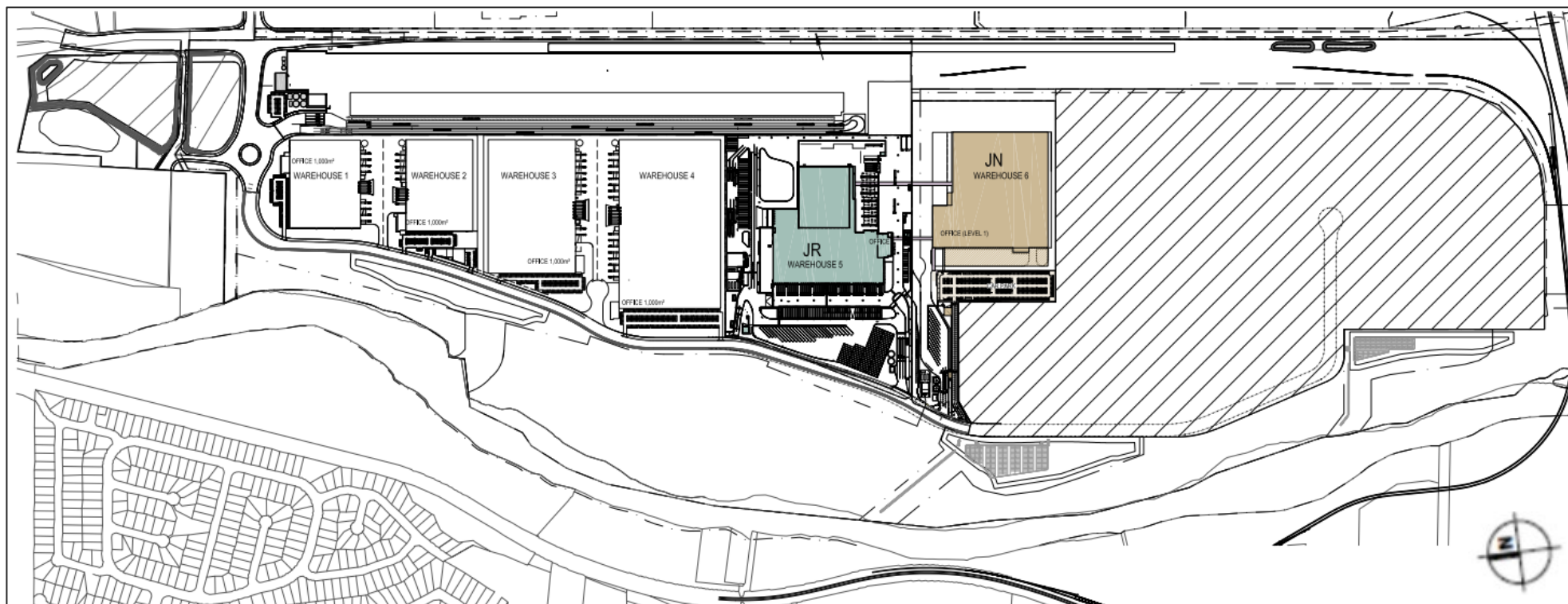


Figure 12 | Amended Precinct Plan approved under SSD 5066 MOD 2 and SSD 7709 MOD 1 (Source: Applicant's SSD 5066 MOD 2 report)

6.3.28 The Applicant advises that physical works required to service the whole of site would be catered for in the nine proposed lots through a series of easements, including whole of lot easements, that are either already in place or would be brought into place upon registration of the land with the NSW Land Registry Services. All proposed easements would be created in accordance with the *Conveyancing Act 1919*. As the site is progressively subdivided, and areas drawn down for long term leases, a section 88B instrument would be prepared for each relevant plan of subdivision. The proposed easements across the MPW site are identified in **Table 13** and mapped at **Figure 8** and **Figure 9**.

Table 13 | Summary of proposed easements (Source: Applicant's RtS)

Easement category	Affected lots	Description	'Easement reference letter'
Easement for drainage of water	5, 11, 12	To facilitate inter-allotment site drainage.	'DE1'
Easement for services	All lots	Whole of lot easement services.	'SE6'
Easement for future services	All lots	Whole of lot easement proposed to be created to provide for future services across and to the benefit of the MPW site.	'SE7'
Easement for access	All lots	Whole of lot easement for access. Provides for inter-allotment access and right of access to the Moorebank Avenue carriageway.	'SE8'
Easement for overhead powerlines	5, 11	Easement for overhead powerlines variable width.	'Z'

Note: Easement reference letter' (e.g. 'SE6', 'SE7') is the letter given to the easement in the draft plan of subdivision setting out the proposed easements

6.3.29 The Applicant provided a draft section 88B instrument as Appendix B of the EIS, setting out the proposed terms of easements intended to be created, in the prescribed form under the *Conveyancing Act 1919* (**Appendix A**).

6.3.30 The Department considers that the proposed commitment to easements in **Table 13** is sufficient to provide for inter-lot access and infrastructure critical to the integrated operation of the MPW site, including vehicle and pedestrian access, utility services and drainage. However, the Department has concerns that the final location of estate works in the southern portion of the MPW site cannot be defined at this time.

6.3.31 The Department notes that several previously proposed easements for right of access (RA1, RA2, RA3, RA4 and RA5) and easements for drainage (DE2, DE3, DE4, DE6) were removed from the most recent plan of subdivision submitted as part of the RtS. The Applicant considered the changes provide greater flexibility to manage and maintain the site's functional relationships and facilitate efficient performance of operational logistics and warehousing functions. However, the Department considers that easements for right of access and drainage provide certainty and clarity for the proposed layout of the internal road network and clearly delineate the proposed onsite detention basins (OSDs) from the biodiversity area in proposed lot 11.

6.3.32 The Department therefore recommends that the plan of subdivision (for each relevant stage) not be registered until evidence of finalisation of these works and their location has been surveyed and

verified. The final Subdivision Staging Plan (and any subsequent amendments) should be approved by the Planning Secretary before a subdivision certificate is issued by the Certifier.

Maintenance program and operational management

- 6.3.33 A key consideration in the Department's assessment of subdivision is to avoid fragmentation of the MPW site. Previous assessments for subdivision on the MPE site, and the recommended conditions, envisaged the active and adaptive management of operational infrastructure throughout the life of the development. The Department considers that the MPW site should be required to be managed by a single entity with overall responsibility for the MPW site and compliance with the relevant development consents across the precinct.
- 6.3.34 In its determination of MPW Concept Plan MOD 1, the Commission imposed conditions E26(d) and E26(e), requiring that any future development application for subdivision must 'include a detailed management and maintenance program for estate infrastructure' and 'nominate a single entity responsible for implementation of the management and maintenance program'.
- 6.3.35 As part of the EIS, the Applicant nominated Sydney Intermodal Terminal Alliance (SIMTA), and Qube (in its function as Precinct Development Company (PDC) under the Development and Operations Deed) to be responsible for overall operational management of the MPW site. SIMTA, and Qube, would be responsible for managing the site under the precinct management agreement included in the agreement for lease. The Applicant advised that as tenancies are established for warehousing, relevant terms for Agreements for Lease (Afl) would be extended to within those lease documents. Similar to MPE, it is noted that the requirements of the precinct management agreement bind Qube and sub-tenants. **Figure 13** outlines the leasehold arrangement for delivery and operation of MPW.

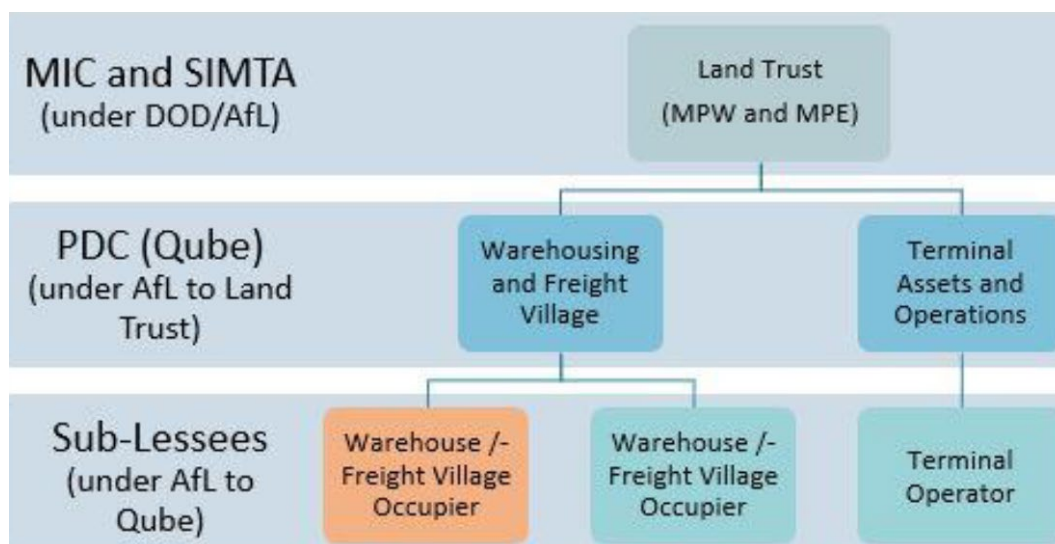


Figure 13 | Leasehold arrangements for delivery and operation of MPW (Source: Applicant's EIS)

- 6.3.36 Further, the Applicant proposes to operate the MPW site in accordance with an Operational Environmental Management Plan (OEMP). The OEMP would outline responsibilities for delivery and ongoing maintenance of estate works on the MPW site which, once approved, would ultimately be the responsibility of the PDC (i.e. Qube) and extend to warehouse tenants.

- 6.3.37 The Department's assessment of subdivision has carefully considered concerns to avoid fragmentation of the site and enable holistic management of the site. As part of this consideration, the Department acknowledges that subdivision of the site should not reduce or restrict opportunities to manage the development as a single operation. As the Department noted for subdivision of the MPE Stage 2 site (December 2018), the legal framework governing the site would support the delivery of required development components, and management and maintenance during operation. Further, the Applicant advises SIMTA and Qube would retain responsibility of all estate works on the MPW site, including maintenance of access roads, pedestrian paths, landscaping, lighting of common areas and provision for emergency services including firefighting. The Department agrees with this approach, and recommends a condition requiring that, prior to the issue of any Subdivision Certificate, the Applicant must submit a Precinct OEMP to the Planning Secretary for approval.
- 6.3.38 The Department acknowledges the Applicant's intention to stage subdivision of the MPW site to allow subdivision of individual lots to take place progressively as demand for future warehousing arises. The Department considers that staged subdivision is acceptable if the Applicant maintains a commitment to providing all relevant estate works before subdivision can occur, and has recommended conditions to that effect.

6.4 Importation of fill material

- 6.4.1 The Applicant seeks approval to import approximately 280,000m³ of unconsolidated clean fill for compaction up to the proposed finished surface level of 16.6 m AHD and approximately 540,000m³ of structural fill for warehouse pad completion. As part of MPW Stage 2 works, the Applicant was granted approval to import 1,600,000m³ of fill, to raise the site on average between 2-3 m, up to a maximum of 3.6 m, including 1 m of engineered fill below finished pavement levels. A diagram from the MPW Stage 2 proposal showing indicative fill levels across the overall MPW site is at **Figure 14**.
- 6.4.2 The concept for raising the site is permitted under the MPW Concept Plan, as modified under MPW Concept Plan MOD 1. Under Condition 19B of the MPW Concept Plan approval, the total volume of uncompacted fill to be imported must not exceed 1,600,000m³ unless it can be demonstrated in a future development application that the proposed finished surface level of any filled section of the site does not exceed 16.6 m AHD. The Applicant submits that 280,000m³ of unconsolidated clean fill proposed to be imported as part of MPW Stage 3 works is in addition to the approved 1,600,000m³ limit under MPW Stage 2 and the MPW Concept Plan.

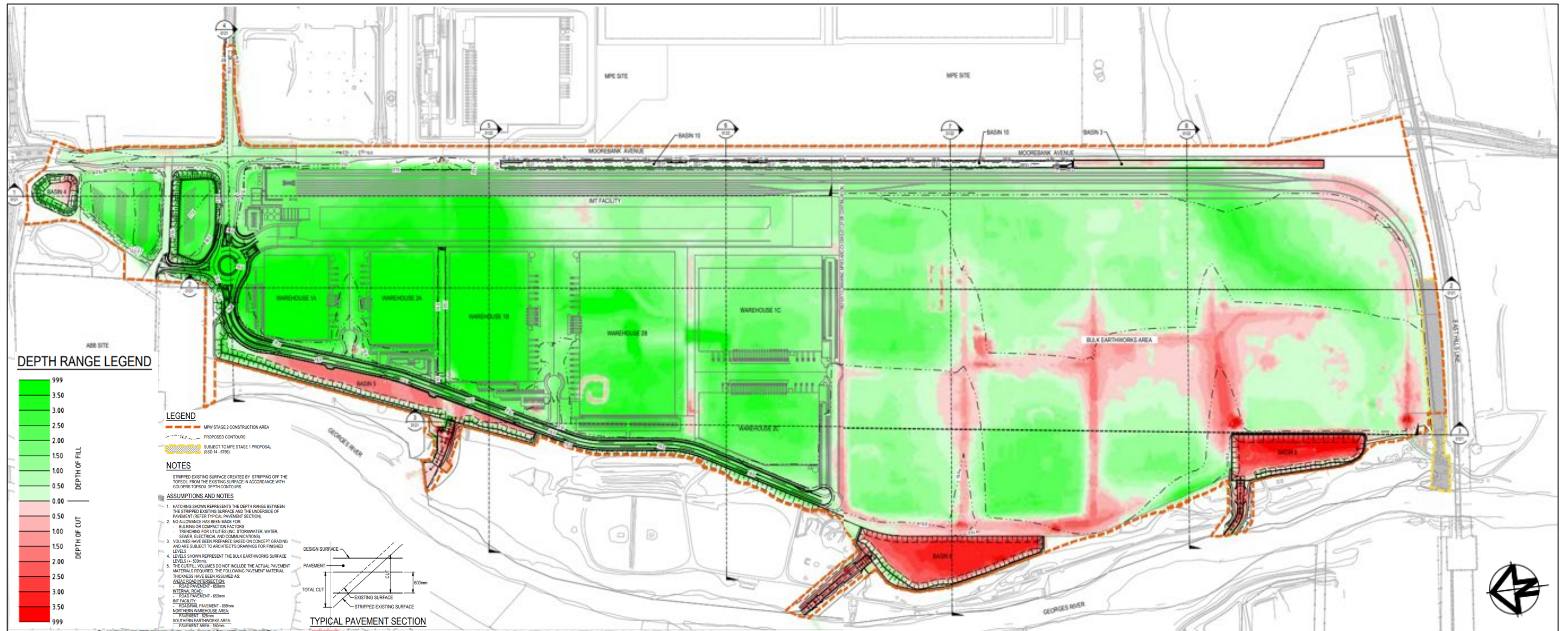


Figure 14 | Diagram from MPW Stage 2 approval - earthworks/fill diagram for MPW site, depth of fill in green (Source: MPW Stage 2 assessment – Appendix B of Attachment P, Consolidated Assessment Clarification Responses)

- 6.4.3 During its assessment of the proposal, both the Department and the EPA sought further information from the Applicant to demonstrate compliance with condition 19B of the MPW Concept Plan approval. In the RtS, the Applicant advised that fill material is required to be imported to site to meet the desired stormwater outcomes, by providing for subsurface infrastructure for an east to west drainage to the onsite detention basins on the site. The Applicant submits that factors such as soil bulking, compaction and stabilisation of the approved 1,600,000m³ of uncompacted fill, approved under MPW Stage 2, would lead to an overall shortfall in achieving the modelled stormwater design requirements. Consequently, additional fill is required to be imported as part of this proposal.
- 6.4.4 To clearly justify and validate the need for additional fill material, the Department requested further detail from the Applicant, including evidence that imported fill would not increase the finished surface level of any filled section of the site above 16.6 m AHD (as required under the MPW Concept Plan), and verify that factors such as soil bulking and compaction are legitimate reasons for requiring additional fill on site. As part of that response, the Applicant engaged Costin Roe Consulting to provide supplementary advice on the proposed imported fill. Costin Roe noted that, when compacted, the fill material would have an in situ volume approximately 15-20% lower compared to its uncompacted volume, leading to a shortfall in the amount of imported fill required to fill the MPW site.
- 6.4.5 Concurrently with that response, Costin Roe advised that the proposed additional 540,000m³ of clean structural fill for warehouse pad completion is required to provide suitable support to the proposed interstate/intrastate terminal, rail lines, warehousing and distribution facility pad sites and associated external pavements and container movement areas.
- 6.4.6 Overall, the Applicant considers that the importation of the proposed additional fill is compliant with the requirements of condition 19B of the MPW Concept Plan, noting that the compacted volume of fill would remain at approximately 1,600,000m³.
- 6.4.7 The EPA recommended a series of conditions to manage impacts associated with the importation of fill material, consistent with requirements for MPW Stage 2, including:
- only virgin excavated material (VENM) appropriately classified in accordance with the Waste Classification Guidelines (EPA, 2014) is to be imported to site.
 - the importation of fill across the Moorebank Precinct as a whole must not exceed 22,000m³ on any given day
 - Conditions B40 to B44 of the MPW Stage 2 consent should be replicated for this proposal, including a requirement for:
 - records of the source, volume and type of fill imported to site
 - prescriptive controls for land disturbance and land fill activities
 - a time-limit on the permitted duration of stockpiles
 - prescriptive controls for the management of stockpiles. For example, stockpiles must not exceed 10 m in height, must be benched over 4 m in height, must have maximum of 1V:3H slopes and must be stabilised if not worked on.
 - preparation and implementation of a construction and soil water management sub plan for construction works, to manage dust, sediment and erosion from the stockpiles

- the Site Audit Report/s and Site Audit Statement/s prepared under condition B171 of MPW Stage 2 must be implemented for the duration of construction and operation of the development.

6.4.8 The Department has considered the impacts of imported fill as part of its holistic assessment of construction impacts of the proposal, and accepts that the additional fill proposed is critical to the execution of proposed finished surface levels across the MPW site. The Department accepts the recommendations provided by the EPA and has recommended conditions accordingly.

6.4.9 Construction traffic associated with the proposal, most of which is associated with fill importation, is assessed in **Section 6.5**. As part of this assessment, the Department has recommended conditions that:

- limit importation of uncompacted clean fill to 280,000m³, and require it to commence only after importation of fill has been completed for MPW Stage 2
- limit importation of structural fill for warehouse pad completion to 540,000m³, and restrict the applicant to only importing the volume of structural fill it plans to use on site in the next six months (consistent with the Department's recommended six-month limit on stockpiling)
- place a daily limit of 22,000m³ on importation of fill across MPE and MPW sites, as is consistent with the MPE Stage 2 and MPW Stage 2 consents.

6.4.10 Impacts on soil and water, including requirements of fill importation protocols, stockpiling and placement, are detailed in **Section 6.7**. The Department supports the Applicant's commitment that all material would be clean general fill that would meet the definition of VENM or excavated natural material (ENM). The Applicant has also considered the potential for oversized boulders to be contained within imported fill, which would require segregation and crushing to make those materials suitable as engineered fill. Consequently, the Applicant seeks approval to undertake crushing activities within the temporary construction stockpile area proposed as part of MPW Stage 3 works. Crushing activities would be consistent with those activities approved as part of MPW Stage 2 and undertaken concurrently with the importation of fill material.

6.4.11 To manage noise and dust impacts generated from operation of crushing plant, the Department recommends a condition that only one crushing plant is to operate at any one time across the MPW site (i.e. under either the MPW Stage 2 or MPW Stage 3 consent).

6.4.12 The Department has considered noise impacts (**Section 6.6**) and construction air quality impacts associated with the importation of fill (**Section 6.8**).

6.4.13 Overall, the Department has considered the impacts of raising the MPW site and associated importation of fill material. Similar to MPW Stage 2 (which included the import of 1,600,000m³ of fill) and MPE Stage 2 (which involved the import of 600,000m³ of fill), the Applicant suggests that the importation of fill is critical 'to achieve final site levels to meet the desired stormwater outcomes'. The Department accepts this conclusion.

6.4.14 The Department has considered the increased off-site impacts from raising the site, including increased visibility of buildings and lighting. To manage the raising of the site, the Department recommends a condition that prohibits the finished surface level of any filled section of the site from exceeding 16.6 m AHD. The Department's assessment of those impacts is in **Section 6.8**.

6.5 Construction traffic and access

- 6.5.1 The Applicant prepared a traffic assessment as part of the proposal, to assess construction traffic impacts associated with the import of fill material, and establishment and use of the temporary construction compound area. The traffic assessment found that no significant changes to construction traffic modelling previously undertaken as part of MPW Stage 2 are proposed and no changes to road upgrade works approved under MPW Stage 2 are sought.
- 6.5.2 The Applicant considered it appropriate to use traffic modelling prepared for the MPW Stage 2 traffic assessment (Arcadis, June 2017) to inform the traffic assessment under this proposal. That assessment found that the predicted traffic volumes can be catered for within the existing capacity of the road network. Importantly, no new traffic modelling was prepared as part of this proposal.
- 6.5.3 The MPW Stage 3 traffic assessment used a cumulative assessment of the level of service (LoS) of the Anzac Road/Moorebank Avenue, M5 Motorway/Moorebank Avenue and Chatham Avenue/Moorebank Avenue intersections (**Table 14**), prepared for the MPW Stage 2 traffic assessment. The cumulative assessment modelled construction activities overlapping with MPE Stage 1 construction activities. MPE Stage 2 does not form part of the Applicant's cumulative assessment.

Table 14 LoS key intersection during construction activities (Source: MPW Stage 2 traffic assessment, Arcadis, June 2017)

Intersection	Peak period	Existing LoS	Cumulative LoS*
Anzac Road/Moorebank Avenue	8-9am (morning)	B	C
	5-6pm (evening)	B	B
M5 Motorway/Moorebank Avenue	8-9am (morning)	B	C
	5-6pm (evening)	C	C
Chatham Road/Moorebank Avenue	8-9am (morning)	n/a	B
	5-6pm (evening)	n/a	B

Note: MPE Stage 2 scenario did not form part of this cumulative assessment

- 6.5.4 The MPW Stage 2 traffic assessment indicated traffic generation would occur during peak construction periods on the MPW site (inclusive of MPW Stage 2 and MPW Stage 3 construction works) as:

- AM peak 112 vehicles/hour
- PM peak 386 vehicles/hour

Heavy vehicle movements are estimated to reach up to a maximum of 740 movements per day during bulk earthworks, drainage and utility works. These activities would occur through the entire construction program for both MPW Stage 2 and MPW Stage 3. The Department notes that daily heavy vehicle movements associated with MPW Stage 3 works were incorporated as part of the daily heavy vehicle movements under the MPW Stage 2 traffic assessment (Arcadis, June 2017).

- 6.5.5 Public submissions received during exhibition raised concerns regarding traffic modelling undertaken for the expected northbound traffic at the M5 Motorway/Moorebank Avenue interchange. In particular, submissions noted inconsistencies between 2010 traffic modelling undertaken for the MPW Concept Plan and 2015 traffic modelling undertaken for the MPW Stage 2 RtS. Public submissions also questioned the change in link traffic volumes between the intersections of Anzac Road and Chatham Avenue resulting in 'disappearing vehicles' between the two intersections.
- 6.5.6 In the RtS, the Applicant contended there are many reasons why traffic may reduce at intersections. For example, improvements on the broader road network at other locations may encourage traffic to use other routes, or localised changes to development on surrounding land uses. The Applicant also advised that there are substantial access points between Anzac Road and Chatham Avenue where vehicles may leave the network, including the IMEX/DJLU access.
- 6.5.7 The Department notes that this proposal does not introduce any material change to construction or operational traffic volumes assessed and approved under MPW Stage 2 and does not propose any changes to intersection and road upgrades approved under MPW Stage 2.
- 6.5.8 The Department considers that construction traffic impacts associated with MPW Stage 3 works can be actively managed through implementation of a detailed Construction Traffic and Access Management Plan (CTAMP). The CTAMP would set out control measures to manage construction traffic, including heavy vehicles associated with the importation of fill material, and must be approved by the Planning Secretary prior to the commencement of construction. The Department recommends that at a minimum, the plan seeks approval for:
- measures to ensure road safety and network efficiency during construction
 - controls to reduce potential impacts on general traffic, cyclists, pedestrians and bus services
 - a heavy vehicle route plan detailing the origin of imported fill, destination of spoil and management of oversized vehicles
 - access and parking arrangements.
- 6.5.9 Consistent with the Department's regulation of industrial developments of similar scale, the Department has recommended the Applicant implement a Driver Code of Conduct, to ensure that drivers use the routes agreed in the CTAMP.

Importation of fill material

- 6.5.10 The Department acknowledges most heavy vehicle movements under the MPW Stage 3 construction works are associated with the importation of fill material to deliver site levels across the development. Due to the large volume of heavy vehicle movements across MPW Stage 2, MPE Stage 2 and this proposal, the Applicant has committed to only receiving 22,000m³ of fill per day cumulatively across the three development consents. The Department has recommended a condition requiring the Applicant to comply with the 22,000m³ importation limit, consistent with the conditions of the MPW Stage 2 and MPE Stage 2 consents.
- 6.5.11 The Department notes that 1,600,000m³ of fill has been previously approved to be imported to the site under the MPW Stage 2 and MPW Concept Plan approvals. While the MPW Stage 3 development proposes the importation of an additional 280,000m³ of fill for finished surface levels (in excess of the previously approved 1,600,000m³) and 540,000m³ of structural fill for warehouse pad completion, the number of daily traffic movements associated with the import of that fill would not change. A limit of

22,000m³ of fill per day will be enforced. However, the construction period (i.e. number of days) may be extended as a result of the additional fill, which has been considered as part of the Applicant's RtS.

- 6.5.12 To ensure the Applicant complies with the proposed limit of 22,000m³ of fill per day, the Department recommends a condition requiring the Applicant to keep accurate records of the source, volume and type of fill imported to, and material removed from, the site. These records must be made available to the Department or EPA on request. The Department considers that heavy vehicle movements associated with the import of fill can be managed through the CTAMP.
- 6.5.13 Overall, the Department considers that, with the implementation of these recommended conditions, and other conditions relating to fill and stockpile management outlined in **Section 6.4**, heavy vehicle movements associated with the import of fill for MPW Stage 3 works can be appropriately managed.

Site access

- 6.5.14 During exhibition of the proposal, the Department and TfNSW raised concerns regarding heavy vehicle access to the site during construction. The Department acknowledges that similar concerns, including the potential use of Cambridge Avenue, were raised in previous assessments undertaken for MPW Concept Plan and Stage 1, MPW Stage 2 and MPE Stage 2. To ensure consistency with previous MPW and MPE approvals, the Department recommends a condition reiterating the existing prohibition on heavy vehicles using Cambridge Avenue during both construction and operation.
- 6.5.15 Regarding construction access to the site, the Applicant proposes to utilise two access points along Moorebank Avenue, as outlined in **Section 2.2**. Similar to MPW Stage 2 construction works, the primary construction access would be via the Chatham Avenue/Moorebank Avenue signalised intersection, which would facilitate most heavy vehicles, light vehicles and construction equipment accessing the temporary works compound area (**Figure 15**). An additional construction access point would be provided at the Anzac Road/Moorebank Avenue interchange, which would link up to a permanent perimeter road running adjacent to the western boundary of the MPW site (**Figure 16**). The Anzac Road/Moorebank Avenue intersection would ultimately be upgraded under MPW Stage 2.
- 6.5.16 The Chatham Avenue access point is proposed to be temporarily closed from October 2021 for construction of the rail link connection into the MPW site. During this time the Anzac Road/Moorebank Avenue intersection would continue to be used for construction access into the MPW site. A level crossing would be installed within the MPW site once the Chatham Road access point is reinstated, to allow continued access to the MPW site. The Department notes that use of any other alternative construction access point(s) (other than the Chatham Avenue/Moorebank Avenue or Anzac Road/Moorebank Avenue access points) would be subject to further assessment as part of an updated CTAMP under MPW Stage 2 and this proposal, in consultation with TfNSW.
- 6.5.17 As part of its submission on the proposal, TfNSW raised concerns regarding the closure of the Chatham Avenue access point during construction and its impact on operation of the Anzac Road/Moorebank Avenue intersection. The MPW Stage 2 traffic assessment (Arcadis, June 2017) concluded the Anzac Road/Moorebank Avenue access point has a satisfactory level of service at the peak construction period, including scenarios where the Anzac Road/Moorebank Avenue access point is the sole construction access. The Applicant advised that no change to assessed traffic volumes provided under the MPW Stage 2 traffic assessment are proposed. The Department accepts this conclusion and considers that access to the site would be regulated under an approved CTAMP for the development.

6.5.18 TfNSW provided no further comment regarding the closure of the Chatham Avenue access point during construction.

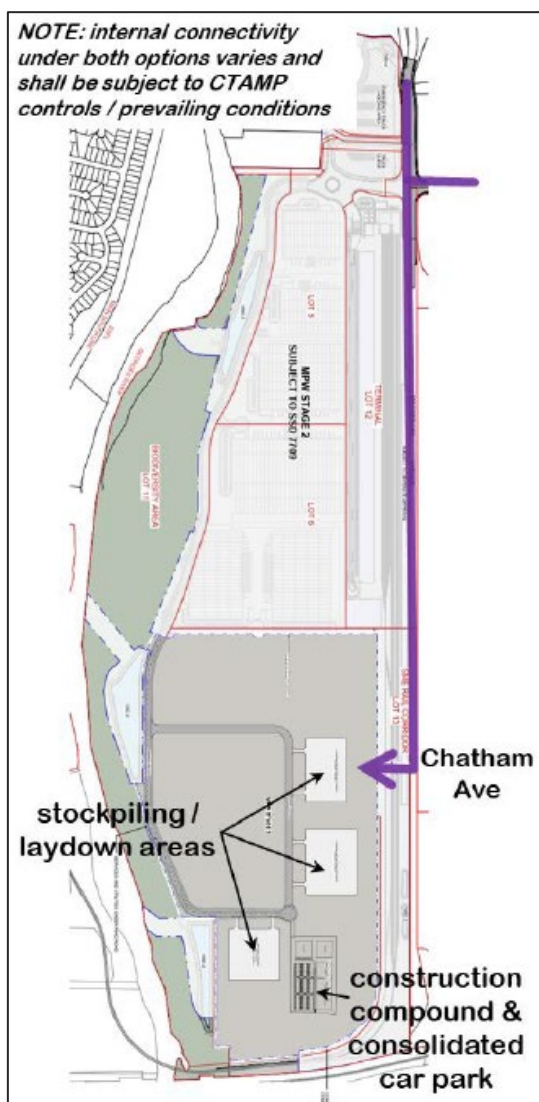


Figure 15 | Chatham Avenue construction access point (Source: Applicant's RtS)

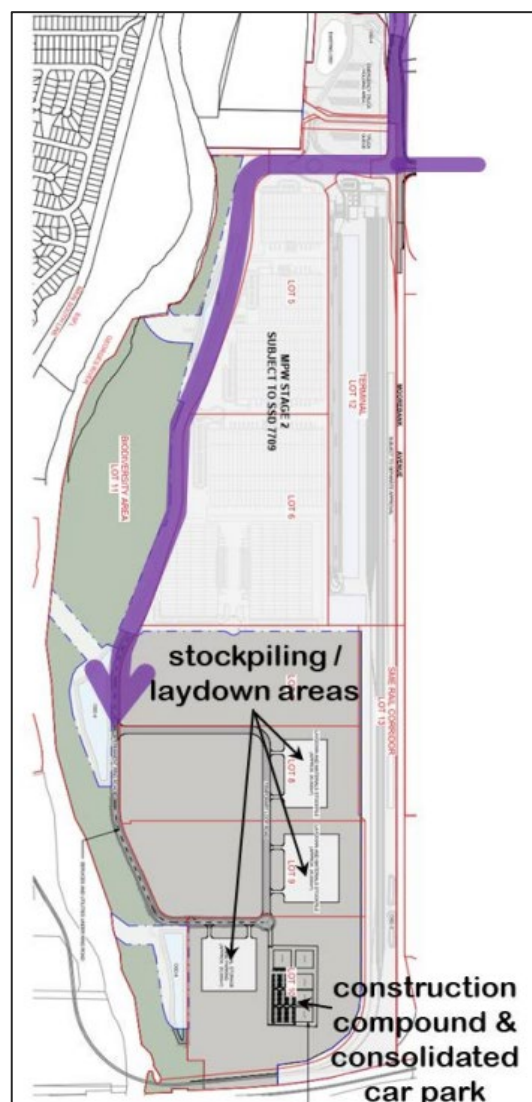


Figure 16 | Anzac Road construction access point (Source: Applicant's EIS)

6.6 Construction noise

6.6.1 The proposal involves noise generating activities during construction works, including:

- establishment and use of the temporary construction works compound area, associated laydown and stockpile locations
- crushing activities and materials processing
- heavy vehicle material deliveries
- heavy vehicle movements on the surrounding and internal road networks to facilitate the importation of fill material.

6.6.2 The Department acknowledges that the proposal consists mostly of works to support construction of MPW Stage 2, except for the proposed subdivision of the site and operation of the permanent perimeter road. As such, the Applicant considered that the following noise and vibration impacts have been adequately assessed under the MPW Concept Plan and MPW Stage 2 approvals, and would not be further addressed as part of this proposal:

- operational noise impacts related to rail and industrial noise
- construction activities identified for MPW Stage 2 that are not proposed under MPW Stage 3
- construction road traffic
- construction vibration.

Existing noise environment

6.6.3 As part of its noise and vibration assessment for MPW Stage 2, the Applicant conducted background monitoring at locations in Casula, Glenfield and Wattle Grove to identify the most affected residential receivers in the vicinity of the MPW site. Noise catchment areas (NCA) established for MPW Stage 3 (**Figure 17**) were informed by the results of monitoring undertaken for MPW Stage 2.

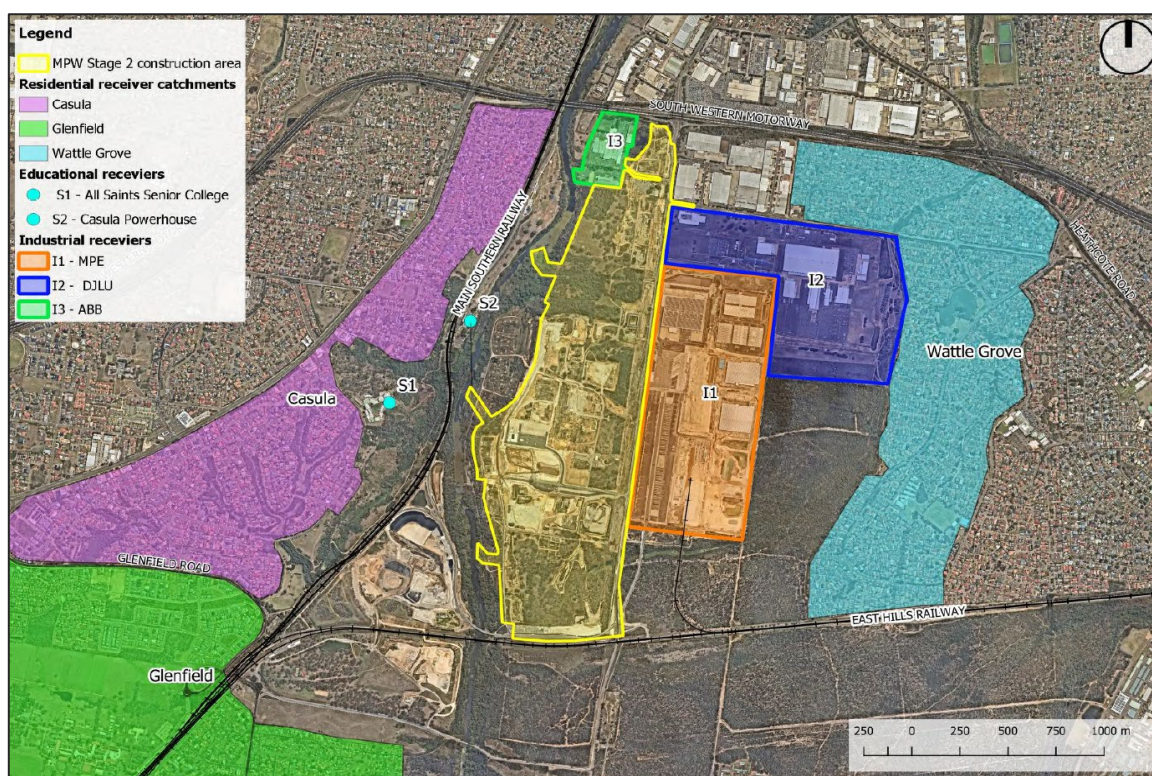


Figure 17 | MPW Stage 2 and Stage 3 noise catchment areas (source: Applicant's NVIA)

6.6.4 The Applicant contends that the proposal does not introduce any new construction activities that have not already been assessed under the MPW Concept Plan and MPW Stage 2 approvals. Consequently, no new background noise monitoring has been undertaken as part of this proposal. Background noise monitoring undertaken for MPW Stage 2 remains valid for MPW Stage 3 construction works.

Construction noise and vibration

- 6.6.5 The Applicant's noise and vibration assessment identified key construction equipment associated with use of the temporary construction works compound area and the importation of fill, as shown in **Table 15**. The timing of construction activities more broadly is provided at **Appendix E**.

Table 15 | Indicative construction plant and equipment (source: Applicant's Noise and Vibration Assessment (NVIA))

Equipment	Indicative number of construction plant and equipment assumed operating concurrently	Indicative working area
Material deliveries		
Truck and dog (per hour)	67	Access road via the western boundary and the temporary loop road to the compound and laydown areas.
Works compound		
Water trucks	2	Operating within the temporary work compound.
Forklifts	2	
Generators	2	
Truck and dog	2	
Crushing and materials processing		
Crushing plant	1	Operating within the laydown and material stockpile areas
Truck and dog	2	
Stockpiling areas		
Loader	1	Operating within the laydown and material stockpile areas.

- 6.6.6 The Applicant's noise assessment identified predicted noise levels at the nearest residential sensitive receivers, based on indicative sound power levels for each type of machinery to be used. Key noisy works include rock crushing, which may be extensive depending on the source and type of imported fill material, operation of loaders, water trucks and forklifts, and use of heavy vehicles (i.e. truck and dog). Predicted cumulative construction noise levels for both MPW Stage 2 and MPW Stage 3 construction works during standard hours were compared to noise management levels (NMLs) derived in accordance with the *Interim Construction Noise Guidelines* (ICNG) (**Table 16**).
- 6.6.7 The Department acknowledges that proposed construction activities have been previously assessed as part of the MPW Stage 2 assessment. However, the Department notes that as activities proposed for MPW Stage 3 are in different locations to construction works assessed under MPW Stage 2, the Applicant's noise assessment should determine the change in construction noise impacts from the relocation of these construction activities.

Table 16 | Predicted construction noise levels during standard hours, L_{Aeq} 15 minute dB(A) (source: Applicant's NVIA)

Receiver	Noise Management Level (NML)	Bulk earthworks, drainage and utilities		Difference between MPW Stage 2 (EIS ¹) and this Proposal
		MPW Stage 2 (EIS ¹)	Proposal (MPW Stage 2 & 3)	
Casula	49	50	51	1
Glenfield	45	36	37	1
Wattle Grove	45	37	38	1
S1	55	49	49	0
S2	55	48	49	1
I1 - MPE	75	51	51	0
I2 - DJLU	75	44	49	5
I3 - ABB	75	53	57	4

¹EIS = Locations assessed based on the MPW Stage 2 Noise and Vibration Assessment

Note: Exceedances of noise management level in **bold**.

- 6.6.8 The Department notes that construction noise levels during standard hours are predicted to exceed the NML at Casula by 2dB(A), an increase of 1dB(A) compared to MPW Stage 2 construction levels. As previously stated in the Department's assessment for MPW Stage 2, the exceedance shown for residences at Casula is exacerbated during adverse weather. Consequently, the Applicant proposes to implement best practice management measures to minimise construction noise and vibration impacts during the noisiest periods (i.e. bulk earthworks, drainage and utilities). These measures would be enforced through an adaptive Construction Noise and Vibration Management Sub Plan (CNVMSP), which must be approved by the Planning Secretary prior the commencement of construction works.
- 6.6.9 Cumulative construction noise impacts were a key issue for the EPA, and must be addressed under Condition E28 of the MPW Concept Plan approval. As part of the RtS, the Applicant provided an updated construction noise assessment that provided an indicative construction program for MPW and MPE works (**Appendix E**), and assessed potential concurrent construction noise levels between MPW and MPE.
- 6.6.10 Importantly, the Applicant advised some MPE construction activities may occur concurrently with MPW Stage 3 construction activities, including:
- construction of the warehouses and freight village
 - construction and finishing works for the freight village and various warehouses, including the internal road network
 - Moorebank Avenue and M5 Motorway intersection works
 - Moorebank Avenue/Heathcote Road, Newbridge Road intersection works.

6.6.11 The Applicant's review of potential concurrent construction noise levels for MPW Stage 2, MPW Stage 3 and MPE Stage 2 is at **Table 17**. Noise modelling from both the MPW Stage 2 noise assessment and MPE Stage 2 noise assessment was used.

Table 17 | Review of potential and concurrent construction noise levels $L_{Aeq15 \text{ minute}}$ dB(A) (source: Applicant's noise assessment)

Receiver	Standard construction hours NML	MPW Stage 2 and 3 Bulk earthworks, drainage and utilities			MPE Stage 2 ⁴		Potential maximum construction noise level increase if all activities occur concurrently
		MPW Stage 2 (EIS ³)	Proposal (MPW Stage 2 & 3) ²	Moorebank Av road and intersection works ⁴	Warehouse/ freight village construction works ⁴	Miscellaneous construction works ⁴	
Casula	49	50	51	41	43	38	1
Glenfield	45	36	37	30	32	26	2
Wattle Grove	45	37	38	38 ⁵	46 ⁵	41 ⁵	2
S1	55	49	49	39	41	35	1
S2	55	48	49	37	39	34	1

Notes:

¹**Bold** indicates exceedances of the NML

²Assumes a maximum of 67 heavy vehicle deliveries per hour along the western MPW site perimeter road

³EIS = Locations assessed based upon the MPW Stage 2 noise assessment

⁴Predicted noise levels from Table 6-7 of the MPE noise assessment

⁵Based upon highest value of Wattle Grove and Wattle Grove North from the MPE Stage 2 noise assessment

6.6.12 The Applicant's cumulative noise assessment found the highest increase in construction noise levels as a result of MPW Stage 2, MPW Stage 3 and MPE Stage 2 is 2 dB(A). The Applicant considered this difference is minor and manageable in accordance with proposed noise mitigation measures.

6.6.13 To manage construction noise impacts, the Department has recommended a condition requiring the Applicant prepare and implement a CNVMSP for the development. This is consistent with other projects in the Moorebank Precinct and other State significant projects more broadly. The plan must be prepared in accordance with the ICNG and include verification of expected noise impacts and detailed examination of work practices, monitoring and review of works on site.

Out of hours construction works

6.6.14 The Applicant proposes to undertake certain construction activities, including material delivery and stockpiling activities, outside of standard hours (see also **Section 2.3**). The Department notes that under Condition B135 of MPW Stage 2 certain out of hours works are permissible under an out of hours works protocol. Those works include activities associated with the Moorebank Avenue/Anzac Road upgrade, delivery of the rail link connection and works required to be undertaken during rail corridor possessions.

- 6.6.15 The Department notes Condition B135 of MPW Stage 2 does not prescribe activities associated with material delivery and stockpiling activities as permissible under an out of hours works protocol, as is proposed under this proposal. Regardless, and consistent with other major projects, the Department considers that approval can be given to out of hours works, if further justification is provided.
- 6.6.16 The Applicant's noise assessment concluded that predicted construction noise levels during the proposed out of hours work periods achieve the relevant noise management levels (**Table 18**).

Table 18 | Predicted construction noise levels during OOH periods, $L_{Aeq15\text{ minute}}$ dB(A) (source: Applicant's RfS noise assessment)

Receiver	Noise Management Level (NML)	MPW Stage 3 Material deliveries ²	MPW Stage 3 Material deliveries ² + stockpiling
		OOHW Period 1	OOHW Period 2, 3 & 4
Casula	44	44	44
Glenfield	40	31	32
Wattle Grove	40	32	34
S1	55	40	40
S2	55	44	44
I1 - MPE	75	48	50
I2 - DJLU	75	47	47
I3 - ABB	75	55	55

Notes:

1. OOHW 1 = 6:00am – 7:00am Mon – Fri, OOHW 2 = 6:00pm – 10:00pm Mon – Fri, OOHW 3 = 7:00am – 8:00am Saturday, OOHW 4 = 1:00pm – 6:00pm Saturday.
2. Maximum potential heavy vehicle deliveries of 67 per hour have been assumed along the western MPW site boundary road.

- 6.6.17 The Department considers that works associated with the importation and placement of fill proposed outside the standard construction hours identified in the ICNG (EPA, 2009), can be managed through an OOHW protocol. The Department considers that — because the importation and placement of fill under this proposal would be deferred until after fill is imported under MPW Stage 2, and would take place concurrently with other traffic-generating construction and operation works — the Applicant may be able to provide further justification that completing these works out-of-hours would be of benefit to the community from a traffic network operation perspective, for instance. The OOHW protocol must provide evidence of how feedback from the Community Consultative Committee (CCC) has been incorporated to develop the protocol, and:

- specify what works are proposed out of hours
- provide details and clear justification for why the works must be done out of hours (reasons other than convenience must be provided)
- detail an assessment of out-of-hours works against the relevant NMLs and vibration criteria

- provide detailed mitigation measures for any residual impacts (that is, additional to general mitigation measures), including extent of at-receiver treatments
- include proposed notification arrangements.

6.6.18 The OOHW protocol must be approved by the Planning Secretary, as part of the CNVMSP for the development, prior to commencement of construction of the development.

6.7 Construction soil and water management

- 6.7.1 The Applicant's proposal envisages earthworks across the MPW site, to enable establishment and use of a construction works compound area, construct permanent and temporary access roads, import and stockpile fill material to establish a raised, level base for future development on the site, and install stormwater and drainage infrastructure. Due to the scale of the site and surrounding riparian context, controls to minimise soil erosion, maximise sediment retention onsite, and support improvements in urban water quality is a key consideration.
- 6.7.2 The Department notes that significant earthworks have already been undertaken on the site, as part of MPW Stage 1 Early Works and MPW Stage 2, and adjacent to the site as part of MPE Stage 1 and MPE Stage 2 works.
- 6.7.3 For the temporary construction works compound area, the Applicant proposes to establish a main works compound (20,000m²) positioned in the south eastern portion of the site. New hardstand, laydown and materials stockpile areas are proposed in the eastern portion of proposed lot 8 (20,000 m²) and proposed lot 9 (25,000 m²), to support broader construction works on the site under MPW Stage 1 Early Works and MPW Stage 2.
- 6.7.4 The Department notes that construction of the temporary construction works compound area would disturb and expose soil, increasing the risk of erosion and sedimentation on the site. The Department recommends prescriptive conditions to manage potential impacts, for example requiring exposed surfaces and stockpiles to be suppressed by regular watering to minimise dust generation. The Department recommends that the Applicant prepare and implement a Construction Soil and Water Management Sub Plan (CSWMSP) to detail how proposed erosion and sediment control measures would be implemented and managed across the site.
- 6.7.5 To manage land disturbance of the site, the Department considers that land disturbance and filling activities should be conducted in a phased manner, impacting a maximum contiguous area of 65 hectares at any one time (approximately one-third of the MPW site area). No disturbance of other areas are permitted until defined triggers for stabilisation of the previous area have been met. This requirement was imposed by the Commission in the MPW Stage 2 consent, and is consistent with the principles of *Managing Urban Stormwater: Soils and Construction* (Landcom 2004), which identifies the importance of ensuring 'land disturbance is confined to minimum areas of workable size, consistent with the scale and economic of the development' through the 'phasing of works' to minimise the 'area of soil disturbed and exposed to erosion'.
- 6.7.6 The Department has concerns about the length of time that imported fill could be stockpiled on the site. To prevent indefinite stockpiling of material for a future application, the Department recommends a condition that prohibits stockpiling of imported fill material for longer than 6 months before placement.

- 6.7.7 Further, imported fill required to be stockpiled on site should be stabilised as soon as possible, and must comply with the same requirements as the MPW Stage 2 conditions of consent:
- not exceed 10 m in height
 - be benched over 4 m in height
 - have a maximum of 1v:3H slopes
 - be stabilised if not worked on for more than 10 days.
- 6.7.8 The Applicant advised that stormwater runoff from the MPW Stage 3 works compound would be captured and managed within sediment basins 6 and 8, which would also be used as onsite detention basins during the operational phase of the site's development. The Department considers that using sediment basins 6 and 8 enables the effective management of stormwater quantity through attenuating stormwater flows from the development while also minimising impacts upstream, downstream and on adjoining land uses.
- 6.7.9 The Department considers the proposed use of the sediment basins is consistent with the approved MPW Concept Plan, and recommends the Applicant outline proposed stormwater management mechanisms and specific mitigation measures to minimise soil erosion as part of the CSWMSP for the development.

6.8 Other issues

- 6.8.1 The Department's consideration of other issues is provided in **Table 19**.

Table 19 | Assessment of other issues

Issue	Findings	Recommended Condition
Biodiversity	<ul style="list-style-type: none"> • The MPW Stage 3 proposal would not result in the loss of threatened or vulnerable species, populations, communities or significant habitats. No clearing will occur under the proposal, as all vegetation within the MPW development area (excluding the biodiversity area proposed in lot 11) was previously approved for removal under the MPW Stage 2 (SSD 7709) consent. • The Department notes that biodiversity offsets required for MPW Stage 2 (Condition B157) have been retired. The MPW Stage 2 proposal includes the creation of biodiversity conservation areas along the Georges River, established as a biodiversity offset under the MPW Concept Plan (SSD 5066). • On this basis, BDAR waivers were granted for the development on 13 and 17 March 2020 (see Section 4.10). 	<ul style="list-style-type: none"> • To ensure that the requirements of the BDAR waiver are enforced, the Department recommends a condition that no vegetation is permitted to be removed under this proposal. • The Department recommends a condition that no construction (including clearing and maintenance access) is permitted in the riparian corridor.
Operational traffic	<ul style="list-style-type: none"> • The Department acknowledges this proposal does not seek approval for any built form components that would generate additional operational traffic 	<ul style="list-style-type: none"> • The Department considers that operational traffic impacts associated with the

	<p>impacts to those previously assessed under MPW Stage 2 (SSD 7709) or MPW Concept Plan and Stage 1 Early Works (SSD 5066).</p> <ul style="list-style-type: none"> • No approval is sought to change maximum warehouse gross floor area approved under the MPW concept consent. • Therefore, operational traffic impacts continue to be managed under the MPW Stage 2 approval, including implementation of an agreed Voluntary Planning Agreement (VPA), delivery of proposed Moorebank Avenue/Anzac Road intersection upgrades, limits on daily heavy and light vehicle traffic generation, preparation and implementation of an Operational Traffic and Access Management Plan and a Biannual Trip Origin and Destination Report for the MPW Stage 2 development. • During exhibition of this proposal, Council raised concerns regarding traffic and transport impacts on the road network in the Liverpool Local Government Area. Council advocated for improvement works to minimise these impacts. Council advised that a contribution scheme for improvements on the local road network has so far not been adequately addressed. • The Department is satisfied that the MPW Stage 3 proposal would not increase operational traffic to and from the site, and is satisfied that operational traffic is comprehensively managed under the existing consents. • Regardless, the Department acknowledges the high number of heavy vehicles accessing the site for construction related activities under this proposal, and potential cumulative traffic impacts with operational heavy vehicles accessing the adjacent MPE site and MPW Stage 2 site once operational. • The Department's assessment of construction traffic impacts is detailed in Section 6.5. 	<p>MPW site can be managed through compliance with operational traffic conditions in the MPW Stage 2 (SSD 7709) and MPW Concept Plan and Stage 1 Early Works (SSD 5066) consents.</p>
Air quality	<ul style="list-style-type: none"> • The Applicant contends that the proposal would not introduce any new or additional emission sources that have not already been assessed under MPW Stage 2 (SSD 7709) or MPW Concept Plan and Stage 1 Early Works (SSD 5066). The Department agrees with this position. • Air quality impacts generated from establishment and use of the temporary construction works compound area (including proposed crushing plant), importation and placement of fill material and associated ancillary works are key considerations for this proposal. They have been 	<ul style="list-style-type: none"> • The Department recommends a condition that only VENM, ENM, or other imported fill material approved in writing by EPA can be placed on the site. • The Department considers that construction air quality impacts can be effectively managed through prescriptive conditions, requiring the Applicant to

	<p>addressed in detail at Section 6.4 and Section 6.7.</p> <ul style="list-style-type: none"> As part of its submission on the proposal, the EPA recommended several conditions to manage air quality impacts, including dust. These include controls on the type of fill material imported to the site (i.e. only VENM and/or material that meets all of the requirements of a Resource Recovery Exemption and Order), appropriate management controls to manage the stockpiling of fill material and bulk earthworks and conditions related to air quality standards during construction. The Department accepts the recommendations provided by the EPA regarding the management of air quality impacts during construction and has recommended conditions accordingly. 	<p>undertake all reasonable steps to minimise dust generated during construction works. For example, suppression of dust from exposed surfaces and stockpiles, ensuring that land stabilisation works are carried out progressively on the site, placing limits on dust emissions, and not permitting emission of offensive odours.</p>
Operational noise	<ul style="list-style-type: none"> As part of its submission, the EPA advised that some components of the proposal (for example, smaller allotment sizes and the importation of fill) have the potential to change operational noise impacts set out under MPW Stage 2 (SSD 7709). The Applicant advises reduced lot sizes would not change operational noise assessments undertaken for MPW Stage 2. Further, noise impacts associated with the importation of fill material were assessed for MPW Stage 2. Additional fill required under this proposal would be before commencement of operations and therefore not impact operational noise emissions. The EPA considered that operational noise impacts could be addressed through existing conditions of consent for MPW Stage 2. The Department agrees with this position, and considers that the Stage 3 proposal would not generate any additional operational noise emissions to those assessed under MPW Stage 2. 	<ul style="list-style-type: none"> The Department considers that noise emissions generated from operation of the MPW site can be appropriately managed through existing conditions of consent for MPW Stage 2, including construction of a 5 metre noise wall along the entire length of the western internal road.
Visual impact	<ul style="list-style-type: none"> The Applicant prepared a Visual Impact Assessment (VIA) to consider potential additional visual impacts from those identified as part of MPW Stage 2. While construction equipment would be visible from Moorebank Avenue and residences in Casula, the VIA concluded that this proposal is unlikely to create additional visual impacts at these surrounding receivers, given the relatively low-rise nature of proposed construction works and existing landscaping screening at these receivers. Further, the Applicant considered that light spill produced by activities associated with the proposal 	<ul style="list-style-type: none"> The Department recommends conditions to mitigate visual impacts from stockpiles on the site, including placing limits on stockpile heights as part of this development. The Department also recommends a condition that all external lighting must comply with AS 4282-2019 (control of obtrusive effects of outdoor lighting).

	<p>is unlikely to be greater than that assessed and approved for MPW Stage 2.</p> <ul style="list-style-type: none"> • However, the Department acknowledges improper management of stockpile areas on the site could negatively impact the site's visual amenity. • Overall, the Department considers that visual impacts generated from the proposal can be appropriately managed through recommended conditions of consent. 	
Landscaping	<ul style="list-style-type: none"> • The Applicant prepared a Landscape Design Statement (LDS) as part of the VIA for the proposal. The LDS provided an indicative planting schedule for the MPW site, seeking to utilise low-water-use native plant palettes throughout the precinct. • The Applicant committed to provide temporary landscaping as part of the proposal to enhance visual amenity, reduce erosion and sediment transport and assist management of stormwater flows. • The Department acknowledges the temporary nature of most activities proposed under this proposal. Permanent landscaping is not a component of this proposal. • The Department considers that permanent landscaping of the northern section of the MPW site can be appropriately implemented as part of conditions already in place under the MPW Stage 2 approval, including a requirement to prepare an Urban Development Design Report (UDDR). • Permanent landscaping works in the southern portion of the MPW site are subject to any future planning approval. 	<ul style="list-style-type: none"> • Temporary landscaping components would be identified as part of the CEMP for the development. • No conditions related to permanent landscaping works are recommended for this stage.
Non-Indigenous heritage	<ul style="list-style-type: none"> • The Applicant provided a non-Indigenous heritage assessment as part of the proposal. The assessment advised that most nearby heritage items are located outside of the MPW Stage 3 site and the proposal would not result in any heritage impacts. Areas of archaeological potential that have been previously identified in the area were assessed and mitigated as part of MPW Concept Plan Stage 1 Early Works (SSD 5066) and MPW Stage 2 (SSD 7709). • However, local heritage item Holsworthy Group (Item 32) adjacent to the site, was not included as part of the heritage assessments for either MPW Stage 1 or MPW Stage 2. While there would be no direct impact to the heritage item, the Applicant advised that the proposed temporary construction 	<ul style="list-style-type: none"> • The Department has recommended the preparation and implementation of an unexpected finds protocol to outline procedures for managing site works if unexpected archaeological relics are uncovered during the works. • The unexpected finds protocol must form part of the CEMP.

	<p>works compound area would result in a temporary negligible visual impact to the Holsworthy Group. The Applicant considered this would not impact the overall significance of the item.</p> <ul style="list-style-type: none"> • As part of its submission on the proposal, Heritage NSW advised that the early works program undertaken as part of MPW Stage 1 removed all historical archaeological resources that remained on the site, including MHPAD 2 and CUST Hut. • Heritage NSW considered that no historical archaeological resources would be impacted by the proposal and recommended an unexpected finds protocol be implemented to manage unexpected finds. • Heritage NSW considered that the proposal could have visual impacts on the State Heritage Register (SHR) listed Glenfield Farm and recommended that mitigation measures be implemented to manage views from Glenfield Farm across the MPW site. • To address this, the Applicant advised the proposed works are unlikely to be overly intrusive, and visual impacts from identified viewing locations would be local and temporary. The Applicant proposed several construction related mitigation measures, including locating large equipment back from site boundaries, minimising light spill and early landscape planting across the site. • The Department considers works undertaken as part of this proposal must comply with non-Indigenous heritage conditions set out under the MPW Concept Plan Stage 1 Early Works (SSD 5066) and MPW Stage 2 (SSD 7709) consents. 	
Aboriginal heritage	<ul style="list-style-type: none"> • The Applicant provided an Aboriginal heritage assessment as part of the proposal. • The assessment indicated that the temporary construction works compound area is near four recorded sites, including AHIMS ID 45-5-4273, AHIMS ID 45-5-4278, AHIMS ID 45-5-4283, and AHIMS ID 45-5-5158, as well as the non-registered PAD2. Of these, AHIMS ID 45-5-4273 and PAD2 are located directly adjacent to the proposal site. • Both were identified under the MPW Stage 2 assessments as having been totally impacted by either MPW Stage 1 or the adjacent MPE project. This proposal would not result in any additional impacts to those items. • EESG and Heritage NSW provided no comment in relation to Aboriginal heritage. • Overall, the Applicant considers that the proposal is unlikely to result in impacts that are inconsistent 	<ul style="list-style-type: none"> • The Department recommends a condition requiring preparation and implementation of an unexpected finds protocol to outline procedures for managing site works if construction works identify an Aboriginal object. • The unexpected finds protocol must form part of the CEMP.

	<p>with the MPW Stage 1, MPW Stage 2 and MPE approvals. The Department accepts this, subject to the preparation and implementation of an unexpected finds protocol, to manage unexpected Aboriginal heritage finds.</p>	
Bushfire	<ul style="list-style-type: none"> • The Applicant provided a Bushfire Report as part of the proposal. The report considered previous bushfire assessments undertaken as part of the MPW Concept Plan and Stage 1 Early Works (SSD 5066) MPW Stage 2 (SSD 7709) consents, and found that the aims and objectives from the <i>Planning for Bushfire Protection 2006</i> had been addressed, and that this proposal would not impact upon those findings. • As part of its submission on the proposal, NSW Rural Fire Service (RFS) recommended that a bushfire assessment report which identifies the extent to which the proposed development conforms with (or deviates from) the relevant provisions of <i>Planning for Bush Fire Protection 2019</i> be prepared. • Consequently, as part of the RtS, the Applicant provided a revised Bushfire Report that examined the proposal (and previous bushfire assessment reports undertaken for MPW), against the requirements of <i>Planning for Bushfire Protection 2019</i>. • The Applicant concluded that as the proposal lies wholly within the already assessed MPW Stage 1 and MPW Stage 2 development area, the proposal area has been previously considered and assessed. • The Department accepts this conclusion, subject to compliance with the recommended conditions of consent. 	<ul style="list-style-type: none"> • The Department recommends conditions requiring compliance with the provisions of <i>Planning for Bushfire Protection 2019</i>. • Prior to the issue of a Subdivision Certificate, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with <i>Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan (NSW, Rural Fire Service)</i>.
Contamination	<ul style="list-style-type: none"> • The Applicant submitted a Geology, Soils and Contamination Impact Assessment as part of the proposal. The assessment provided an overview of contamination works completed on the site to date and concluded that remediation required to be undertaken in the MPW Stage 3 area was completed in 2019, except for a soil stockpile in a restricted access location (Golf Course). • The EPA recommended conditions that require compliance with the Long Term Environmental Management Plan (LTEMP) prepared under MPW Stage 2. If the LTEMP is to be revised of part of this proposal, the Applicant must engage a NSW 	<ul style="list-style-type: none"> • The Department recommends conditions that require compliance with the Long Term Environmental Management Plan (LTEMP) prepared under MPW Stage 2 and site audit statement requirements under Conditions 169 and B171 of MPW Stage 2. • To manage potential residual Per- and Polyfluoroalkyl Substance (PFAS) impacts on site, the

	<p>Accredited Site Auditor to review the appropriateness of the plans.</p> <ul style="list-style-type: none"> • The Department accepts the recommendations provided by the EPA for management of contamination impacts during construction, and has recommended conditions accordingly. • Under Condition B169 of MPW Stage 2, a Site Audit Report (SAR) and Section A Site Audit Statement (SAS) are required to be prepared upon completion of the remediation required in relation to MPW Stage 1 and MPW Stage 2. • The SAR and SAS required under Condition B169 has been finalised and was submitted to the Department in November 2020. The Department is satisfied that no further remediation of contaminated land is required under this proposal. 	<p>Department recommends conditions to manage any potential risks to off-site receptors due to PFAS contamination.</p> <ul style="list-style-type: none"> • The Applicant must prepare and implement an unexpected finds protocol for contamination on the site. The unexpected finds protocol must form part of the CEMP.
Hazards	<ul style="list-style-type: none"> • The Applicant submits that the proposal falls within the definition of a 'potentially hazardous industry' under SEPP 33, as a range of hazardous materials would be stored and used onsite for refueling and maintenance works. These hazardous materials would be stored within the temporary construction compound area. • The Applicant advised that the proposal does not trigger the SEPP 33 threshold limit. 	<ul style="list-style-type: none"> • The Department has recommended a condition requiring the quantities of dangerous goods stored and handled on site to comply with the SEPP 33 guidelines. • The Applicant is required to store and handle all chemicals, fuels and oils within the development in accordance with relevant Australian standards and EPA guidance. This ensures the proposal does not become potentially hazardous post-approval.
Flooding	<ul style="list-style-type: none"> • The Applicant advised that the proposed MPW Stage 3 construction footprint is not affected by any overland flow paths or external catchments. While the broader MPW site is impacted by probable maximum flood (PMF) events from the Georges River, the Applicant confirmed that the proposed temporary construction compound area is clear of both the 1% AEP and PMF flood events. • The original flood assessments for SSD 5066 and SSD 7709 have been reviewed to consider any additional flooding impacts as a result of this proposal. There is predicted to be no impact on flooding from the proposal, and no impact on the proposal from flooding. • The Department recommends the Applicant prepare and implement a Flood Emergency 	<ul style="list-style-type: none"> • The Department is satisfied that any potential adverse flood impacts to the site from construction works can be appropriately managed through preparation and implementation of a Flood Emergency Response Sub Plan (FERSP) for the development. • Prior to the commencement of construction, the Applicant must prepare and implement appropriate flood warning and notification procedures for the

	<p>Response Sub Plan (FERSP) for the development, to manage any potential flood risk to workers and occupants on the site during construction.</p>	<p>development, in accordance with the FERSP.</p>
Concept staging	<ul style="list-style-type: none"> • The Department acknowledges that the proposed staging of the MPW project has changed since approval of the MPW Concept Plan. • Under the MPW Concept Plan MOD 1, Stage 3 of the MPW project was identified as consisting of residual elements approved under the MPW Concept Plan, including infrastructure works to support an increase in freight throughput, construction and operation of additional warehousing in the southern portion of the MPW site and ancillary works. • However, this proposal for Stage 3 does not incorporate any infrastructure works or warehousing, and instead acts as an extension of approved MPW Stage 2 works set out under the MPW Concept Plan. • The Department considers that any potential future planning approval for infrastructure works and warehousing in the southern portion of the MPW site must provide a clear concept staging plan for future works on the MPW site. 	<ul style="list-style-type: none"> • The Department is satisfied that the proposal is generally consistent with the intent of works set out under the MPW Concept Plan.
Pedestrian connection	<ul style="list-style-type: none"> • The Department notes that under Condition 18 of the MPW Concept Plan and Condition B2(j) of MPW Stage 2, the Applicant is required to demonstrate provision of a future pedestrian connection across the Georges River to Casula Railway Station. • As part of the RtS for this proposal, the Applicant provided a consolidated landscape plan for the MPW site that included provisions for pedestrian and/or cycling access from Casula Railway Station. • Council has provided in principle support for construction of the pedestrian and/or cycling connection and requested to be actively involved in the design of the pedestrian connection to ensure that it links to existing cycling and walking connections, Casula Parklands, and Casula Powerhouse and Arts Centre, and railway station. • The Department notes that design for a potential future pedestrian connection is ongoing and not directly linked to works proposed under this proposal. 	<ul style="list-style-type: none"> • No conditions related to the proposed pedestrian connection have been recommended as part of the MPW Stage 3 proposal.

6.9 Summary of Department's consideration of submissions

6.9.1 A summary of the Department's consideration of the issues raised in submissions is provided in **Table 20**.

Table 20 | Department's consideration of key issues raised in submissions

Issue	Consideration
Site is not suitable for the development	<p>The Department is satisfied that the location of the site is suitable for the proposed development. The impacts of the development on the surrounding environment, including traffic and noise impacts, are considered acceptable, subject to the implementation of detailed mitigation measures set out under the MPW Stage 2 (SSD 7709) consent, MPW Concept Plan and Stage 1 Early Works (SSD 5066) consent and the conditions of this consent.</p> <p>The suitability of the site for use as an intermodal terminal and warehousing was considered in detail as part of the Department's assessment of the MPW Concept Plan, MPW Stage 2 and this proposal, and is acceptable.</p>
Importation of fill material	<p>The Department considered the impacts of raising the MPW site and associated importation of fill material at Section 6.4. Similar to MPW Stage 2 (import of 1,600,000m³ of fill) and MPE Stage 2 (import of 600,000m³ of fill), the Applicant suggests that the importation of fill is critical 'to achieve final site levels to meet the desired stormwater outcomes'. The Department considers this conclusion acceptable and has recommended conditions to manage the importation of fill.</p>
Water management and flooding	<p>The Department considered construction soil and water impacts at Section 6.7 and flooding impacts at Section 6.8. The Department has recommended conditions to manage soil and water impacts generated during construction (including from stockpiling of fill material). Conditions include requiring the preparation and implementation of a Construction Soil and Water Management Plan for the development and requiring that dust from exposed surfaces and stockpiles is suppressed.</p> <p>Further, the Department recommends the Applicant prepare and implement a Flood Emergency Response Sub Plan for the development, to manage any potential flood risk to workers and occupants on site during construction.</p>
Biodiversity impacts	<p>The Department considers that the proposal is unlikely to create any additional environmental impacts on ecological communities or their habitat beyond what was assessed and approved under the MPW Stage 2 (SSD 7709) consent and MPW Concept Plan and Stage 1 Early Works (SSD 5066) consent. The Department's consideration of biodiversity impacts is provided at Section 6.8.</p>
Subdivision	<p>The Department considered subdivision of the site in detail at Section 6.3. The Department has recommended conditions to manage subdivision, including (but not limited to) preparation and submission of:</p> <ul style="list-style-type: none"> • a Subdivision Staging Plan • detailed works as executed drawing • a Statement of Compliance • a section 88B instrument for the creation of all relevant easements, restrictions and covenants.

	<p>The Department considers that subdivision of the MPW site is acceptable, subject to compliance with recommended conditions of consent.</p>
Traffic and transport	<p>The Department considered construction traffic impacts associated with the proposal at Section 6.6 and notes construction traffic impacts can be actively managed through implementation of a Construction Traffic and Access Management Plan.</p> <p>Operational traffic impacts have been considered at Section 6.8.</p> <p>The Department is satisfied that the MPW Stage 3 proposal would not increase operational traffic to and from the site.</p>
Construction activities	<p>The Applicant's indicative timeline of cumulative construction works across MPW Stage 2, MPW Stage 3 and MPE Stage 2 is provided at Appendix E. Overall, the Department considers construction activities can be managed by conditions of consent, as discussed in Section 6.</p>
Air quality	<p>The Department considered air quality impacts at Section 6.8. The Department notes construction air quality impacts can be effectively managed through prescriptive conditions requiring the Applicant undertake all reasonable steps to minimise dust generated during construction works. Further, the Applicant contends that the proposal would not introduce any new or additional emission sources that have not already been assessed under the MPW Concept Plan and MPW Stage 2 assessments. The Department agrees.</p>
Noise	<p>The Department considers that construction noise emissions generated from the proposal would not have significant impacts on nearby residents, subject to the implementation of mitigation and management measures including a Construction Noise and Vibration Management Plan for the development. Construction noise impacts are discussed in Section 6.6. The proposed subdivision of the site would not generate any direct operational noise impacts.</p>
Consistency with Concept Plan	<p>The Department considers the proposal is generally consistent with the conditions to be met in future development applications, as set out under the Concept Plan approval (as modified) (see Appendix D).</p>

7 Evaluation

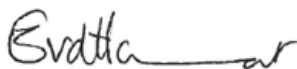
- 7.1.1 The Department has reviewed the EIS, RtS and supplementary information provided by the Applicant, and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council and concerns raised in community submissions. Issues raised have been considered and all environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal are acceptable, can be appropriately mitigated through the implementation of the recommended conditions of consent, and the proposal should be approved subject to conditions.
- 7.1.2 The proposal is consistent with the objects of the *Environmental Planning and Assessment Act* (EP&A Act), including facilitating ecologically sustainable development (ESD), and is consistent with the vision set out for the site under the MPW Concept Plan. The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the principles of ESD, and issues raised in all submissions. The Department considers that the proposal has strategic merit and would support future freight distribution in Western Sydney.
- 7.1.3 The application was publicly exhibited between 30 April 2020 and 27 May 2020. The Department received a total of 40 submissions, comprising 11 from public authorities (including an objection from Liverpool City Council), 25 individual public submissions (all objections) and 4 submissions from special interest groups (all objections).
- 7.1.4 The Applicant submitted a RtS and further supplementary information to address concerns raised by Council, public authorities and the Department.
- 7.1.5 The Department identified the application's consistency with the Concept approval, subdivision, importation of fill material, construction traffic and access, construction noise, and construction soil and water management as the key issues for assessment. The Department concluded that the:
- proposal is generally consistent with the recommended 'conditions to be met in future development applications', as set out under the MPW Concept approval.
 - staged subdivision of the MPW site is acceptable, provided that the Applicant provides a Subdivision Staging Plan to the Planning Secretary for approval, prior to the issue of the first Subdivision Certificate. The plan must clearly identify each stage of the subdivision and the relevant estate works that relate to each stage.
 - construction impacts associated with the importation of fill material can be actively managed through prescriptive conditions, including enforcement of an existing 22,000m³ cap on the total amount of fill imported across MPW and MPE per day.
 - construction traffic impacts can be actively managed through implementation of a Construction Traffic and Access Management Plan for the development, including a Heavy Vehicle Route Plan to manage heavy vehicle routes to and from the site, and Driver Code of Conduct, to minimise the impact of heavy vehicles on other road users.
 - construction noise impacts can be effectively managed through implementation of a Construction Noise and Vibration Management Plan, prepared in accordance with the procedures for managing construction noise under the *Interim Construction Noise Guideline* (ICNG). Construction of the development must comply with standard construction hours, with only certain extended works permissible under an out of hours works protocol.

- soil and water impacts can be effectively managed by undertaking land disturbance and filling activities in a phased manner, impacting a maximum contiguous area of 65 hectares at any one time (equal to around one-third of the site area). No disturbance of another area of the site is permitted until defined triggers for stabilisation of the previous area have been met.

- 7.1.6 The proposal is in the public interest and would provide a range of public benefits, including a Capital Investment Value (CIV) of \$38,061,404 and would generate 60 construction jobs.
- 7.1.7 The SSD application is referred to the Independent Planning Commission as Liverpool City Council objected to the proposed development during the exhibition period.
- 7.1.8 The impacts of the proposal have been addressed in the EIS, RtS and supplementary information provided to the Department. Conditions of consent are recommended to ensure that these impacts are managed appropriately.
- 7.1.9 The Department considers the proposal is approvable, subject to conditions of consent outlined within this report.
- 7.1.10 The assessment report is hereby presented to the Independent Planning Commission for determination.

Prepared by Nathan Heath
Planning Officer, Social and Infrastructure Assessments

Recommended by:



15/03/2021

Erica van den Honert
Executive Director
Infrastructure Assessments

Recommended by:



15/03/2021

David Gainsford
Deputy Secretary
Assessment and Systems Performance

Appendices

Appendix A – Relevant Supporting Information

Appendix B – Statutory Considerations

Appendix C – Clause 4.6 Variation Request

Appendix D – Consistency with the Recommended Concept Approval (as recommended in the MPW Concept MOD 1 Recommendation Report)

Appendix E – Indicative timeline of cumulative construction works – MPW Stage 2, MPW Stage 3 and MPE Stage 2

Appendix F – Recommended Conditions of Consent

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/27156>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/27156>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/27156>

4. Supplementary Information provided by Applicant

<https://www.planningportal.nsw.gov.au/major-projects/project/27156>

Appendix B – Statutory Considerations

Environmental planning instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Liverpool Local Environmental Plan (LLEP) 2008.

Compliance with controls

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

An assessment of the development against the relevant considerations of the SRD SEPP is provided in **Table B1**.

Table B1 | SRD SEPP compliance table

Relevant sections	Consideration and comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) To identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The development is of a type specified in Schedule 1.	Yes

<p>Schedule 1 State significant development – general (Clause 19)</p> <p>(1) Development that has a capital investment value of more than \$30 million for any of the following purposes: ...</p> <p style="padding-left: 40px;">(b) railway freight terminals, sidings and inter-modal facilities</p> <p>(2) Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes: ...</p> <p style="padding-left: 40px;">(b) container packing, storage or examination facilities.</p>	<p>The proposed development comprises development for the purpose of railway freight terminals, and development associated with railway infrastructure for the purpose of container packing, storage or examination facilities, and has a CIV in excess of \$30 million.</p>	<p>Yes</p>
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State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The development constitutes traffic generating development in accordance with clause 104 of the Infrastructure SEPP as it comprises a freight transport facility and warehouse distribution centre. The Infrastructure SEPP requires traffic generating development to be referred to TfNSW (RMS) for comment. The application was referred to TfNSW (RMS) in accordance with the Infrastructure SEPP. Comments raised by TfNSW (RMS) are in **Section 5**.

The Department notes that under MPW Stage 2 (SSD 7709), the Applicant is required to make satisfactory arrangements to contribute to the provision of relevant State public infrastructure. During the assessment period for SSD 7709, the Applicant entered into a voluntary planning agreement (VPA) with TfNSW (RMS) to make a cash contribution of \$48 million to regional road upgrades, and upgrade Moorebank Avenue south of the entrance to the MPE freight terminal or relocate Moorebank Avenue to the east of the MPE site (subject to a future planning application).

The development is located within the vicinity of an electricity transmission or distribution network and in accordance with clause 45 of the Infrastructure SEPP, the development must be referred to the relevant electricity supply authority for comment. The application was referred to Endeavour Energy in accordance with the Infrastructure SEPP, and comments raised are in **Section 5**.

The proposal is consistent with the Infrastructure SEPP, given the consultation and consideration of the comments from the relevant public authorities. The Department has included suitable conditions in the recommended conditions of consent (see **Appendix F**).

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what

circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

A full assessment of contamination issues associated with the proposal is in **Section 6**. Under MPW Stage 2 (SSD 7709), the Department recommended a series of detailed conditions for finalising remediation and a Site Audit Statement, which must be finalised prior to commencement of construction works on MPW Stage 3. The Department is satisfied that, subject to the implementation of the recommended conditions, the site can be made suitable for its proposed industrial/commercial land use.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The Applicant's EIS states the 'proposal is likely to include signage that will be visible from Moorebank Avenue (a public place) and so SEPP 64 applies. A Visual Impact Assessment was undertaken as part of the EIS for MPW Concept Plan Approval. That assessment provided mitigation measures to maintain design quality at the site. This assessment was consistent with the objectives of SEPP 64'.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (GREP 2) aims to maintain and improve the water quality and river flows of the Georges River and its catchment and to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries. The Applicant acknowledges that the MPW site exists within the Georges River catchment and therefore the proposal is required to be consistent with the objectives of the GREP 2, as relevant. **Table B2** provides the Department's consideration of key relevant planning matters considered under Part 3, Section 11 of GREP 2.

Table B2 | Compliance with relevant matters of consideration of GREP 2

Planning Requirement	Matter for Consideration	Department's Consideration
9. Industry	The potential cumulative environmental impact of any industrial uses on water quality within the Catchment.	The Applicant asserts that the proposal does not incorporate onsite wastewater disposal.
	The adequacy of proposed stormwater controls and whether the proposal meets the Council's requirements for stormwater management.	Detailed stormwater assessments were undertaken as part of MPW Stage 2, and remain applicable to the Stage 3 proposal.
	Whether proposed erosion control measures meet the criteria set out in <i>Managing Urban Stormwater: Soil and Construction Handbook</i> (1998) prepared by and available from Landcom and the Department of Housing.	The Department has recommended a condition that requires the Applicant to implement erosion and sediment measures outlined in the publication <i>Managing Urban Stormwater: Soils &</i>

	Likely impact on groundwater and remnant vegetation.	Construction (4 th edition, Landcom 2004).
	Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed.	Biodiversity investigations were undertaken as part of MPW Concept Plan and Stage 1 Early Works and MPW Stage 2, including discussion of impacts on remnant vegetation and riparian vegetation. The Department considers that the Stage 3 proposal is unlikely to create any additional environmental impacts on ecological communities or their habitat beyond what has already assessed and approved under the MPW Stage 2 consent and MPW Concept Plan and Stage 1 Early Works consent.
	The adequacy of planned wastewater disposal options.	
20. Stormwater Management System or Works	That untreated stormwater is not disposed of into the Georges River or its tributaries.	Detailed stormwater assessments were undertaken as part of MPW Stage 2, and remain applicable to the Stage 3 proposal.
	The likely impact of stormwater disposal on the quality of any receiving waters.	The Department has recommended conditions that would enforce these requirements, by ensuring that appropriate measures are implemented to manage stormwater impacts during construction. In regard to management of stormwater during operation of the MPW site, the MPW Stage 2 proposal incorporates a robust set of conditions to manage the release of stormwater via six onsite detention basins (OSD), a major east-west covered culvert and associated drainage infrastructure.
	That the levels of nutrients and sediments entering the waterway are not increased by the proposed development.	
	Whether any proposals to manage stormwater are in accordance with the local council's stormwater management plans and the Managing Urban Stormwater series of documents and meet the local council's stormwater management objectives.	
	Whether the principles outlined in the <i>Managing Urban Stormwater Soils and Construction Handbook</i> (1998) prepared by and available from Landcom and the Department of Housing are followed during each stage of a development (including subdivision).	

	Whether the proposal satisfies the local council's sediment control plan or, if no such plan has been prepared, any erosion and sediment policies adopted by the local council.	
21. Development in Vegetated Buffer Areas	The need to filter runoff from developed areas to improve water quality within the Georges River and its tributaries.	The Department has recommended conditions that would enforce these requirements, by protecting a riparian corridor along the Georges River under the MPW Stage 2 (SSD 7709) consent, MPW Concept Plan and Stage 1 Early Works (SSD 5066) consent and the conditions of this consent.
	The need to reduce the loss of riparian vegetation and to remove invasive weed species.	
	The need to minimise damage to river banks and channels so as to reduce bank erosion.	
	The need to increase or maintain terrestrial and aquatic biological diversity and to provide fauna habitat and corridors.	

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP will required all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of site or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for water catchments, waterways, urban bushland, and the Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning systems, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Liverpool Local Environmental Plan 2008

The Liverpool LEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Liverpool LGA. The Liverpool LEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and considered all relevant provisions of the Liverpool LEP and matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the Liverpool LEP, except the minimum subdivision lot size. Consideration of the relevant clause of the LEP is in **Table B3**.

Table B3 | Consideration of the Liverpool LEP

Clause	Department Comment/Assessment
Clause 4.1 Minimum subdivision lot size	The proposal seeks to progressively subdivide the MPW site into 9 allotments, each less than the prescribed minimum lot size of 120 ha for the site. Consequently, the proposal contravenes the requirements of Clause 4.1 of the Liverpool LEP. The Department's consideration of subdivision of the MPW site is provided in Section 6.3 and Appendix C .
Clause 4.3 Height of buildings	The proposed temporary works compound would not exceed the existing maximum building height requirements of 21 metres for the site.
Clause 4.4 Floor space ratio	The proposed temporary works compound would not exceed the maximum FSR requirements of 1.0:1 for the site.
Clause 4.6 Exceptions to development standards	Under clause 4.6 of the Liverpool LEP, development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. The Applicant submitted a clause 4.6 variation request as part of the EIS for the proposal, which sought to vary the minimum subdivision lot size of 120 ha for the MPW site. The Department's consideration of the Applicant's clause 4.6 variation request is provided in Appendix C .
Clause 5.10 Heritage conservation	The proposal would not generate any additional heritage impacts to those previously assessed as part of SSD 5066 and SSD 7709. Notwithstanding, the Department's consideration of heritage matters is provided in Section 6.8 .
Clause 7.6 Environmentally significant land	The Applicant has undertaken detailed environmental assessments as part of SSD 5066 and SSD 7709, including biodiversity and heritage assessments. The Applicant has undertaken a review of these assessments as part of the MPW Stage 3 proposal and asserts that no adverse impacts on environmentally significant land will arise as a result of the proposal. The Department's consideration of these assessments is provided in Section 6 .
Clause 7.7 Acid sulfate soils	No impacts to acid sulfate soils is expected as a result of the proposal. The Applicant will update the MPW Stage 2 CEMP Acid Sulfate Soils

	Management Plan to reflect any changes as a result of MPW Stage 3 proposal, as relevant.
Clause 7.8 Flood planning	The proposal would not generate any additional flooding impacts to those previously assessed as part of SSD 5066 and SSD 7709. The original flood assessments for SSD 5066 and SSD 7709 have been reviewed to consider any additional flooding impacts as a result of this proposal in Section 6.8 .
Clause 7.36 Arrangements for infrastructure arising out of development of intermodal terminal at Casula and Moorebank	Under SSD 7709, the Applicant has made satisfactory arrangements to contribute to the provision of relevant State public infrastructure in relation to the development on the MPW site.

Other Policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development.

Appendix C – Clause 4.6 Variation Request

C1.1 Clause 4.6

Clause 4.6(2) of the Liverpool LEP (LLEP) permits the consent authority to consider a variation to a development standard imposed by an EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes. In consideration of the proposed variation, clause 4.6 requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The Applicant has prepared a written request in accordance with clause 4.6(3) (**Appendix A**) to vary the LLEP minimum subdivision lot size.

The development standard and the Applicant's proposed variation is summarised in **Section C1.2**.

Clause 4.6(4)(a) requires the consent authority to be satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

The Department has considered the proposed exceptions to the development standard under clause 4.6 at **Section C1.2**.

C1.2 Development standard and variation

Minimum subdivision lot size

Clause 4.1 of the LLEP allows a minimum subdivision lot size on the site of no less than 120 ha, as shown on the LLEP Lot Size Map (**Figure C1**).

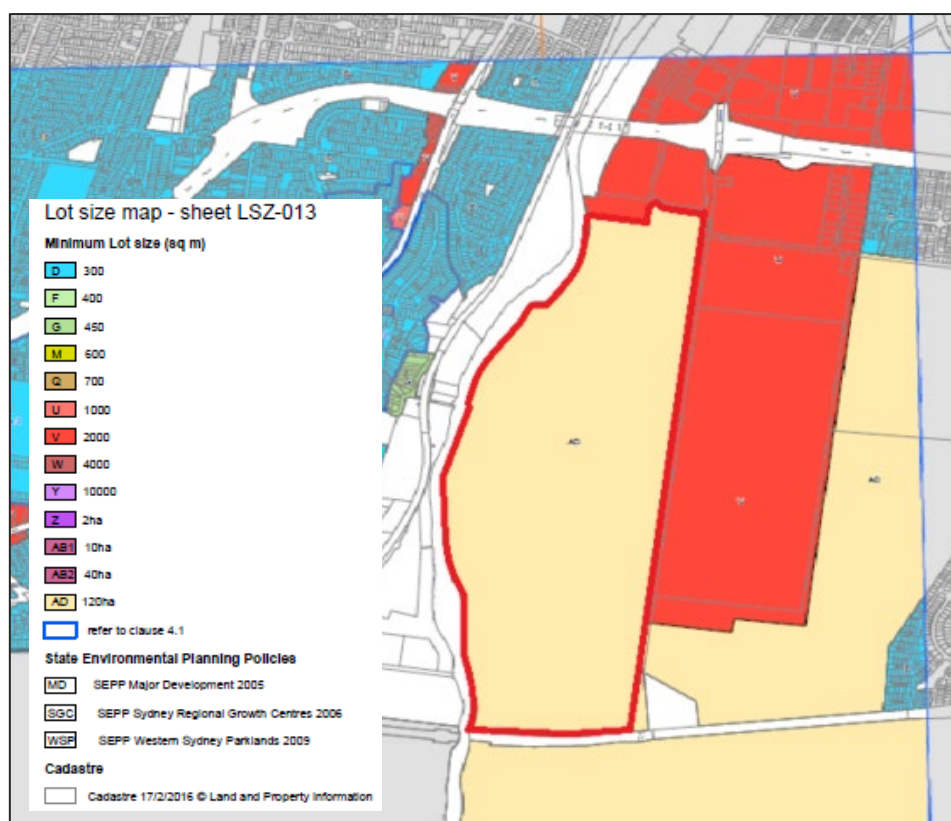


Figure C1 | Extract of the LLEP lot size map (Source: Applicant's EIS)

The Applicant proposes to vary the minimum subdivision lot size as summarised at **Table C1**.

Table C1 | Minimum subdivision lot size variation request

Proposed lot number	Approximate size (ha) of proposed lot ¹	LLEP minimum subdivision lot size ¹	Difference	Complies
5	24.46 ha	120 ha	deficiency of 95.54 ha	No
6	22.92 ha		deficiency of 97.08 ha	No
7	16.18 ha		deficiency of 103.82 ha	No
8	16.14 ha		deficiency of 103.86 ha	No
9	14.73 ha		deficiency of 105.27 ha	No
10	17.38 ha		deficiency of 102.62 ha	No
11	44.82 ha		deficiency of 75.18 ha	No
12	20.48 ha		deficiency of 99.52 ha	No
13	12.28 ha		deficiency of 107.72 ha	No

Note: See clause 4.1 and Lot Size Map LSZ-013 of the LLEP.

C1.3 Exception to development standard

Table C2 | Department's consideration of clause 4.6 requirements

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

The objectives of IN1 General Industrial are to:

- provide a wide range of industrial and warehouse land uses
- encourage employment opportunities
- minimise any adverse effect of industry on other land uses
- support and protect industrial land for industrial uses
- particularly encourage research and development industries by prohibiting land uses that are typically unsightly or unpleasant
- enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

The Department is satisfied that the proposed development is consistent with the objectives of the IN1 General Industrial zone, as the:

- proposed development would not compromise the site's ability to provide for industrial and warehouse land use, as permitted under the MPW Concept Plan SSD 5066
- proposed variation to the minimum lot size development standard would increase employment opportunities at the MPW site, by enabling the lease of buildings and tenancing of individual warehouses
- proposed development does not seek to increase or modify the proposed industrial operations at the MPW site, as set out under SSD 5066.

2. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard

The objectives of the minimum subdivision lot size standard are to:

- ensure that lot sizes are consistent with the desired residential density for different locations
- ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls
- prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations
- minimise traffic impacts resulting from any increase in the number of lots on classified roads
- minimise any likely impact of subdivision and development on the amenity of neighbouring properties
- ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area
- ensure that lots sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.

The Department is satisfied that the proposed development is consistent with the objectives of the minimum subdivision lot size standard, as:

- the proposed lot layout can accommodate warehouse development that is suitable for the use of the MPW site as an intermodal facility, consistent with the MPW Concept Plan SSD 5066 and MPW Stage 2 SSD 7709 consents
- reducing the minimum lot size requirement at the MPW site would not result in the fragmentation of land, but rather facilitate the extent of development (and nature of land uses) envisioned under the MPW Concept Plan. The lot layout design would be consistent with that of the MPE site and similar nearby industrial areas
- the proposed subdivision would not generate adverse impacts on intersection performance or level of service on nearby roads. Further, the proposed subdivision would not generate any adverse visual impacts beyond those that have been assessed under the MPW Stage 2 approval
- the proposed clause 4.6 variation request seeks to allow subdivision of the MPW site to achieve consistency with the subdivision pattern that has been approved and executed for the MPE site
- the proposed subdivision layout has been designed to accommodate and protect natural and cultural values on site, including the biodiversity conservation area within the riparian zone of the Georges River.

3. Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

The Applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The Department supports the Applicant's conclusions that the proposed subdivision achieves the objectives of the standard. Compliance with the standard is unreasonable in this case as subdivision of the MPW site is consistent with the intent of the approved MPW Concept Plan SSD 5066. Further, as the site is 189.4 ha, strict compliance with the minimum subdivision lot size requirement of 120 ha is unreasonable without variation to the current development standard.

The Applicant concludes that compliance with the development standard is also unnecessary in these circumstances, as it would not provide additional security in relation to site maintenance and management under the proposed subdivision tenancing arrangement. Further, the Applicant considers that having multiple tenants and warehouses across a single allotment would be more difficult to manage regarding provision of services and easements. Compliance with the development standard is also unnecessary as subdivision of the site would support the intended use of the site, similar to the MPE site. In the case of the adjacent MPE site, development consent SSD 7628 authorises subdivision of the site into lots that are substantially less than 120 ha in area, subject to conditions. Across the MPE site, a minimum lot size of 2,000m² applies under clause 4.1 of the LLEP.

Having considered the Applicant's written request, the Department is satisfied that the Applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard

The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:

- the development is consistent with the objects of the EP&A Act
- the proposed subdivision would not compromise the ability of the MPW development to meet IN1 zone objectives, or the minimum lot size requirement objectives under clause 4.1 of the LLEP

-
- contravention of the development standard does not raise any matters of significance for state or regional environmental planning
 - exception to the development standard does not compromise the developments consistency with the MPW Concept Plan
 - the proposed subdivision aligns with the approved subdivision on adjacent the MPE site.
-

Having considered the Applicant's written request, the Department is satisfied that the Applicant has adequately demonstrated there are sufficient environmental planning grounds to justify contravention of the development standard. Matters required to be demonstrated have been adequately addressed. The Department concludes that the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the LLEP. The proposed development will be in the public interest because it is consistent with the objectives of the LLEP minimum subdivision lot size development standard and the objectives for development within the zone.

Appendix D – Consistency with the Recommended Concept Approval (as recommended in the MPW Concept Plan MOD 1 Recommendation Report)

Assessment Criteria	Consideration	Compliance
Terms of Concept Approval		
Limits of Approval		
6. Projects carried out under this staged development consent are to be assessed with the objective of not exceeding the capacity of the transport network, including the local, regional and State road network.	The Department is satisfied that the proposal has been assessed with the objective of not exceeding the capacity of the transport network, including the local, regional and State road network (see Section 6.5 and Section 6.8). Further, the proposal relates to construction traffic only. Operational traffic impacts and relevant road upgrade requirements have been addressed as part of MPW Stage 2 (SSD 7709).	Yes.
7. Concept approval is granted for a container freight throughput of up to 500,000 TEU p.a. (excluding IMEX freight) if the combined movement of container freight on the Subject Site does not exceed 1.05 million TEU p.a. The consent authority must also be satisfied that the Traffic Impact Assessment demonstrates that the container throughput would not exceed the capacity of the transport network with or without mitigation measures/upgrades.	N/A to the MPW Stage 3 proposal, regardless the Department is satisfied the MPW Stage 2 approval complies with this requirement.	Yes.
8. For IMEX freight, concept approval is granted for a container throughput: a) initially, 250,000 TEU p.a. if the consent authority is satisfied that the Traffic Impact Assessment demonstrates the proposal would not exceed the capacity of the transport network with or without mitigation measures/upgrades; b) after the facility has been in operation, an increase of up to an additional 300,000 TEU p.a. if the consent authority is satisfied that monitoring and modelling of the operation of the intermodal terminal facility demonstrates that traffic movements resulting from the proposed increase in TEU will achieve the objective of not exceeding the capacity of the transport network. The combined movement of container freight on the Subject Site must not exceed 1.05 million TEU p.a.	N/A to the MPW Stage 3 proposal. This requirement is relevant to MPW Stage 2.	Yes.

<p>9. Concept approval is granted for an intermodal terminal facility incorporating either:</p> <ul style="list-style-type: none"> a) the rail link; or b) if a rail link is under construction or has been constructed associated with the SIMTA development as identified in development application MP10_0193, then only a short connection from the intermodal terminal facility to the SIMTA rail connection on the eastern side of the Georges River. 	<p>N/A to the MPW Stage 3 proposal. This requirement is relevant to MPW Stage 2.</p>	<p>N/A.</p>
<p>10. Port shuttle operations must use:</p> <ul style="list-style-type: none"> a) Locomotives that incorporate available best practice noise and emission technologies. Prior to construction of the rail link connecting to the site, the Applicant is to submit a report to the Secretary for consideration and approval that has been prepared in consultation with TfNSW and the EPA that justifies the technologies proposed and how it meets the objective of best practice noise and emission technologies; and b) Wagons that incorporate available best practice noise technologies including as a minimum, permanently coupled 'multi-pack' steering wagons using Electronically Controlled Pneumatic (ECP) braking with a wire based distributed power system (or better practice technology). Prior to the commencement of operation, the Applicant is to submit a report to the Secretary for consideration and approval that has been prepared in consultation with TfNSW and EPA that justifies the technology proposed and how it meets the objective of best practice noise technologies. 	<p>N/A to the MPW Stage 3 proposal. Conditions which give effect to this requirement were applied in MPW Stage 2.</p>	<p>Yes.</p>
<p>11. The Applicant shall install and maintain a rail noise monitoring system on the rail link at the commencement of operation to continuously monitor the noise from rail operations. The system shall capture the noise from each individual train passby noise generation event, and include information to identify:</p> <ul style="list-style-type: none"> a) Time and date of freight train passbys; b) Imagery or video to enable identification of the rolling stock during day and night; c) LAeq(15hour) and LAeq(9hour) from rail operations; and d) LAF(max) and SEL of individual train passbys, measured in accordance with ISO3095; or e) Other alternative information as agreed with, or required by, the Secretary. <p>The results from the noise monitoring system shall be publicly accessible from a website maintained by the Applicant. The noise results from each train shall be available on the website within 24 hours of it passing the monitor, unless unforeseen circumstances (ie a system malfunction) have occurred. The LAeq(15hour) and LAeq(9hr) results from each day shall be available on the website within 24 hours of the period ending.</p>	<p>N/A to the MPW Stage 3 proposal. Conditions which give effect to this requirement were applied in MPW Stage 2.</p>	<p>Yes.</p>

<p>Prior to the commencement of operation, the Applicant shall submit for the approval of the Secretary, justification supporting the appropriateness of the location for rail noise monitoring, including details of any alternative options considered and reasons for these being dismissed. The rail noise monitoring system shall not operate until the Secretary has approved the proposed monitoring location.</p> <p>The Applicant shall provide an annual report to the Secretary with the results of monitoring for a period of 5 years, or as otherwise agreed with the Secretary, from the commencement of operation of the intermodal terminal facility. The Secretary shall consider the need for further reporting following a review of the results for year 5.</p>		
<p>12. Prior to submitting any Development Application for the intermodal terminal facility, the Applicant shall convene a meeting with regard to proposed traffic assumptions and mitigation measures. The Applicant must:</p> <ol style="list-style-type: none"> Invite SIMTA, TfNSW, RMS, Liverpool City Council and Campbelltown City Council. Each Council may also invite a maximum of two community representatives to attend. At the meeting, present the scope and assumptions of the mesoscopic/microsimulation traffic modelling, the draft Traffic Impact Assessment and any proposed mitigation measures including timing on the delivery of any proposed measures; Publish the meeting minutes and a schedule of action items arising from the meeting, including responsibilities and timeframes on its website; Prepare a written report responding to the action items and consult with RMS on the action items and final mitigation measures; and Provide details of the undertaking and outcomes of this condition in the EIS. 	<p>The Department considers that the scope of traffic impacts associated with the MPW Stage 3 proposal does not require a meeting on proposed traffic assumptions as set out under condition 12.</p> <p>Notwithstanding, a meeting between the Applicant and the Department was held prior to lodgment.</p>	<p>Yes.</p>
<p>13. Containers must be transferred from Port Botany to the site and from the site to Port Botany by rail, unless there is planned track maintenance or where unforeseen circumstances have occurred (eg an incident, breakdown, derailment or emergency maintenance on the rail line). The Secretary may at any time request the Applicant to demonstrate that the transport of containers between the site and Port Botany container terminals is by rail. This is to be demonstrated upon request by the Secretary for the prior 12 month period.</p>	<p>N/A to the MPW Stage 3 proposal. Conditions which give effect to this requirement were applied as part of the MPW Concept Plan and MPW Stage 2 consents.</p>	<p>Yes.</p>
<p>14. Operations on the Subject Site cannot commence until a rail connection to the SSFL is operational.</p>	<p>The Department notes that this proposal does not incorporate operational use of the rail connection to the SSFL.</p> <p>Notwithstanding, conditions which give effect to this requirement were applied as part of MPW Stage 2.</p>	<p>Yes.</p>

15. The warehousing and distribution facilities must only be used for activities associated with freight using the intermodal terminal facility unless otherwise approved in a subsequent Development Application.	N/A to the MPW Stage 3 proposal. The Department has recommended conditions giving effect to this condition as part of MPW Stage 2.	Yes.
16. Building heights are to be a maximum of 21 metres above finished surface levels which must be in accordance with Condition 19B and other structures are to be generally consistent with Appendix D Landscape and Visual Impact of the Response to Submissions dated May 2015.	<p>The Department considers that the proposal has appropriately addressed this requirement as the proposed construction compounds would not exceed the maximum building height requirement of 21 metres above finished surface levels.</p> <p>The Department notes that SSD 5066 MOD 2 modified the maximum building heights permitted for warehouse buildings 5 and 6. Under condition 16A of SSD 5066 (as modified), warehouse 5 is permitted to be a maximum of 39 metres above finished surface levels and warehouse 6 is permitted to be a maximum of 43.25 metres above finished surface levels.</p> <p>Notwithstanding, the maximum building height of 21 metres is applicable to all other warehouses on the MPW site approved under the MPW Stage 2 consent.</p>	Yes.
17. Building setbacks are to be generally consistent with Appendix D Landscape and Visual Impact of the Response to Submissions dated May 2015 and allow for stabilised fill batters.	The Department considers that the proposal has appropriately addressed this requirement.	Yes.
<p>17A. The maximum GFAs for the following uses apply:</p> <p>a) 300,000m² for the warehousing and distribution facilities; and</p> <p>b) 800m² for the freight village.</p>	The Department notes that MPW Stage 2 assessed the maximum GFAs for the following uses which are compliant with this requirement. The proposed subdivision layout for MPW Stage 3 allows for consistency with the approved maximum GFA across the site for the mentioned uses (Section 6.3).	Yes.
18. The layout of the site shall not prevent a possible future pedestrian connection to Casula Railway Station across the Georges River.	The Department considers that the proposed site layout does not prevent any future pedestrian connection. The Department notes that the Urban Development Design Report approved under MPW Stage 2 includes provisions for pedestrian and/or cycling access from Casula train station.	Yes.

18A. The layout of the site must not prevent the provision of vegetated wildlife corridors linking the Georges River riparian corridor and Moorebank offset area with the Wattle Grove offset area as shown in the Appendix.	The Department considers that the proposed development layout does not impact the provision of vegetated wildlife corridors, complying with this condition (see Section 6.8).	Yes.
19. The layout of the site shall be designed to ensure heavy vehicles associated with the operation of the intermodal terminal facility can be accommodated on site in the event of an incident blocking access to the M5 Motorway/ Moorebank Avenue to avoid queuing on public roads.	The Department considers that the application addresses this requirement and complies (see Section 6).	Yes.
19A. Only VENM, ENM, or other material approved in writing by the EPA is to be brought onto the site.	The Department has recommended conditions giving effect to this condition (see Section 6.4 and 6.7).	Yes.
19B. The total volume of uncompacted fill to be imported must not exceed 1,600,000 m ³ unless it can be demonstrated in a future Development Application that the proposed finished surface level of any filled section of the site does not exceed 16.6 m AHD.	<p>The 280,000m³ of unconsolidated clean fill proposed to be imported as part of MPW Stage 3 works is additional to the approved 1,600,000m³ limit under MPW Stage 2 and the MPW Concept Plan. The Applicant has demonstrated that the proposed finished surface level of any filled section of the site would not exceed 16.6 m AHD (see Section 6.4).</p> <p>The Department has recommended a condition that nothing in this consent enables the finished surface level of any filled section of the site to exceed 16.6 m AHD.</p>	Yes.
19C. Clearing native vegetation and earthworks including fill importation and placement for a future Development Application must be undertaken in a phased manner to minimise dust and native fauna impacts, with no long term stockpiling of imported fill and no stockpiling of imported material for use as part of a subsequent future Development Application.	<p>The Department considers that land disturbance and filling activities should be conducted in a phased manner, impacting a maximum contiguous area of 65 hectares at any one time (equal to around one-third of the MPW site area). No disturbance of another area of the site is permitted until defined triggers for stabilisation of the previous area have been met (see Section 6.4).</p> <p>Further, imported fill that is required to be stockpiled on site should be stabilised as soon as possible, and must comply with the following requirements (duplicated from MPW Stage 2 conditions of consent):</p> <ul style="list-style-type: none"> • not exceed 10 m in height; • be benched over 4 m in height; 	Yes.

	<ul style="list-style-type: none"> • have a maximum of 1v:3H slopes; and • be stabilised if not worked on for more than 10 days. 	
Future Assessment Requirements		
Operational Noise and Vibration		
<p>E1. To ensure the operational noise impacts are appropriately managed, the following measures must be considered in future Development Applications:</p> <ol style="list-style-type: none"> Best practice plant for the intermodal terminal facility, including electronic automated container handling equipment or equipment with equivalent sound power levels; The use of automatic rail lubrication equipment accordance with ASA Standard T HR TR 00111 ST Rail Lubrication and top of rail friction modifiers; Measures to ensure the rail cross sectional profile is maintained in accordance with ETN-01-02 Rail Grinding Manual for Plain Track to ensure the correct wheel / rail contact position and hence to encourage proper rolling stock steering; A noise barrier on the western side of the haul road; A detailed assessment of sleep disturbance impacts, including: how often noise events occur; the time of day when the occur; and whether there are any times of day when there is a clear change in the noise environment; and A risk assessment to determine if non-tonal reversing alarms can be fitted as a condition of site entry. Alternatively, site design may include traffic flow that does not require or precludes reversing of vehicles. <p>E2. Development Applications for the intermodal terminal facility shall include a report to identify:</p> <ol style="list-style-type: none"> The extent of brake squeal across the fleet of rail vehicles that will frequently use the terminals. This should identify the number of occurrences of brake squeal, the typical noise levels associated with brake squeal (including the frequency content), and the operational conditions under which brake squeal occurs (e.g. under light braking, hard braking, low / medium / high speed, effects of temperature and weather, etc.); The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging; Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and Any monitoring system proposed to capture brake squeal. 	<p>N/A to the MPW Stage 3 proposal.</p> <p>The Department considers that best practice mitigation measures to manage noise and vibration impacts from operation of the IMEX port shuttle locomotives and wagons have been addressed as part of MPW Stage 2, including construction of a noise barrier on the western side of the internal haul road.</p> <p>N/A to the MPW Stage 3 proposal. The Department considers that this proposal for Stage 3 does not incorporate operational components associated with the intermodal terminal facility (except for subdivision). Consequently, operational noise conditions related to operation of the intermodal terminal facility, including brake squeal impacts, have not been considered as part of this proposal.</p> <p>Operational noise conditions related to operation of the intermodal terminal facility were considered in detail as part of the MPW Stage 2.</p>	<p>Yes.</p> <p>Yes.</p>
Locomotives		
<p>E3. Development Applications for the intermodal terminal facility shall detail how the expected port shuttle locomotives incorporate available best practice technologies.</p>	<p>The Department considers that this requirement is not applicable to the MPW Stage 3 proposal. The Department has previously</p>	<p>Yes.</p>

	assessed these impacts and recommended appropriate conditions as part of MPW Stage 2.	
E4. Development Applications for the intermodal terminal facility shall consider the effect of headlight glare on surrounding sensitive receivers.	The Department considers that this requirement is not applicable to the MPW Stage 3 proposal. The Department considered that glare impacts can be reduced through implementation of screen planting and dimmable headlamps in its assessment of the MPW Stage 2 proposal.	Yes.
Rail Link		
E5. Any Development Application comprising the rail link must consider maximising curve radii of the rail connection, particularly the southern tie-in to the SSFL, to minimise the potential for wheel squeal.	N/A to the MPW Stage 3 proposal. The Department notes that this requirement was considered as part of MPE Stage 1 and MPW Stage 2.	N/A.
E6. Any Development Application comprising the rail link shall ensure the width of the rail link corridor is no greater than 20 metres in the Riparian Corridor.	N/A to the MPW Stage 3 proposal. This requirement is relevant to MPE Stage 1.	N/A.
E7. Any Development Application comprising the rail link shall consider fauna movement in the bridge design.	N/A to the MPW Stage 3 proposal. This requirement is relevant to MPE Stage 1.	N/A.
E8. Any Development Application comprising the rail link shall consider minimising potential impacts to the aquatic environment, aquatic habitats and fish passage, both in the design and construction of the bridge.	N/A to the MPW Stage 3 proposal. This requirement is relevant to MPE Stage 1.	N/A.
E9. Any Development Application comprising the rail link shall include an assessment of the impacts of the rail link on the Glenfield Waste Facility, including: <ul style="list-style-type: none"> a) Targeted intrusive investigations to determine contamination pathways and to develop mitigation, management and/or remediation options based on those investigations; b) details of the quantity of landfilled waste to be removed, the location from where it will be removed, the methodology to be utilised and the estimated timeframe for the removal and reburial; c) proposed measures to mitigate odour impacts on sensitive receivers, including an undertaking to apply daily cover to any exposed waste in accordance with benchmark technique 33 of the document <i>Environmental Guidelines: Solid Waste Landfills</i>, NSW EPA 1996; d) details of impacts on pollution control and monitoring systems including existing groundwater and landfill gas bores and their subsequent repair/ replacement; e) the methodology proposed to ensure that the landfill barrier system disturbed in the removal process is replaced/ repaired to ensure its ongoing performance. The Applicant shall detail matters such as sub grade preparation and specifications, liner 	N/A to the MPW Stage 3 proposal. This requirement is relevant to MPE Stage 1.	N/A.

<p>installation/ reinstallation procedures and construction quality assurance (CQA) procedures;</p> <p>f) a commitment to providing the EPA with a construction quality assurance report within 60 days of the completion of the works referred to in (d) above; and</p> <p>g) an overview of any access and/or materials/ equipment storage arrangements with Glenfield Waste Facility in relation to the construction of the rail link.</p> <p>h) details of any other expected or potential impacts to the licensed area and options for management and mitigation of those impacts (i.e. leachate management and surface water runoff, potential impacts on the Georges River during works, dust etc); and</p> <p>i) details of and proposed mitigation measures for the long term management of the rail link.</p>		
Traffic		
E10. Development Applications for the intermodal terminal facility shall include documentation demonstrating how Condition 14 of this approval has been satisfied.	N/A to the MPW Stage 3 proposal. This requirement has been considered and addressed as part of MPW Stage 2.	Yes.
E11. All future Development Applications shall include a Traffic Impact Assessment based on background growth models developed by RMS for the Liverpool/Moorebank area (if applicable).	The Department notes that this proposal does not include impacts to operational traffic. Consequently, background growth models developed by RMS for the Liverpool/Moorebank are not considered necessary for this proposal.	Yes.
E11A. All future Development Applications must assess traffic impacts associated with fill importation and identify management measures.	The Applicant has assessed construction traffic impacts associated with fill importation (see Section 6.4 and 6.5). The Department has recommended conditions of consent to manage traffic impacts associated with fill importation.	Yes.
E12. All future Development Applications must include adequate measures to prevent heavy vehicles associated with the construction or operation of the facility from using Cambridge Avenue.	The Department considers that this requirement has been addressed, and has recommended conditions confirming this restriction (see Section 6.4 and 6.5).	Yes.
Infrastructure Contributions		
<p>E13. All future Development Application shall include:</p> <p>a) an assessment of the impacts of the project on local infrastructure, having regard to any relevant Council's Developer Contributions Plan (or equivalent document requiring developer contributions);</p> <p>b) a commitment to pay developer contributions to the relevant consent authority or undertake works-in-kind towards the provision or improvement of public amenities and services. Note: This requirement may be satisfied subject to the terms of any applicable Voluntary Planning Agreement; and</p>	The Department considers the requirements of Condition E13 have been appropriately addressed as part of MPW Stage 2 (SSD 7709).	N/A.

c) a commitment to undertake vehicle monitoring on Cambridge Avenue. Should any monitoring reveal the need for improvement works within the Campbelltown LGA as a result of the proposal, the Applicant may be required to contribute towards local road maintenance or upgrades.		
Public Transport		
E14. All future Development Applications shall consider the need for a bus stop on Moorebank Avenue (including direct pedestrian access from the warehousing to the bus stop), and associated turnaround facility suitable for a 14.5 metre long non-rear steer bus.	N/A to the MPW Stage 3 proposal. Additional bus stops were provided as part of the MPW Stage 2 development design.	Yes.
Biodiversity		
E15. All future Development Applications shall consider measures to improve the condition of the riparian corridor along the western bank of the Georges River (known as the 'hourglass land').	The Department notes that the MPW Stage 3 proposal does not include any works within the riparian corridor.	Yes.
E16. All future Development Applications shall include the following vegetated riparian corridor widths (measured landward from the top of bank) and provide detailed drawings demonstrating compliance with this requirement: a) a minimum of 50 metres wide associated with the rail corridor; and b) a minimum of 40 metres wide along the terminal site.	Detailed drawings were provided in support of the proposal. The Department confirms that the MPW Stage 3 proposal does not include any works within the riparian corridor, with all development works to be located outside of the 40m riparian corridor.	Yes.
E16A. All future Development Applications must demonstrate that onsite detention basins are located outside the riparian corridor and the outlets have been designed to minimise impacts on the riparian corridor.	N/A to the MPW Stage 3 proposal. These matters have been addressed as part of the MPW Stage 2 consent which prescribes conditions for the resolution of the riparian corridor and onsite detention basin locations.	N/A.
E16B. All future Development Applications must include an assessment of the impact of the development on core Koala habitat and provide a detailed assessment of options to manage and minimise impacts.	N/A to the MPW Stage 3 proposal. The Department has previously assessed these impacts and recommended conditions as part of MPW Stage 2.	N/A.
Visual Amenity, Urban design and Landscaping		
E17. All future Development Applications for new built form must include detailed landscape plans identifying the vegetation to be removed or relocated and the location of replacement and additional landscaping.	The Department notes that the Urban Development Design Report (UDDR) has been prepared by the Applicant. The UDDR provides a holistic approach to landscape design across the MPW site. The Department considers that this requirement has been appropriately addressed as part of MPW Stage 2.	Yes.
E17A. All future Development Applications must include:	The Department considers Condition E17A has been addressed in this application (see Section 6.8).	Yes.

<p>a) an assessment of the visual impact of the raised landform, built form (materials and finishes) and urban design (height, bulk and scale) including lighting and signage when viewed from residential areas; and</p> <p>b) details of measures to mitigate impacts.</p>		
<p>E17B. All future Development Applications must present designs that incorporate the principles of:</p> <p>a) Water Sensitive Urban Design (WSUD) and Urban Heat Island Mitigation (UHIM); and</p> <p>b) NSW Government Architect's "Greener Places" policy.</p>	<p>The Applicant has prepared the UDDR for MPW Stage 2. The UDDR prescribes a holistic approach to landscape design across the MPW site. The Department considers that this requirement has been appropriately addressed as part of MPW Stage 2.</p>	Yes.
<p>E18. All future Development Applications shall include detailed landscape plans including relevant details of the species to be used in the various landscaped areas (preferably species indigenous to the area), including details of the informal native and cultural avenue plantings, and other soft and hard landscape treatments, including any pavement areas and furniture.</p>	<p>The Applicant has prepared the UDDR for MPW Stage 2.. The UDDR prescribes a holistic approach to landscape design across the MPW site. The Department considers that this requirement has been appropriately addressed as part of MPW Stage 2.</p> <p>The Applicant prepared a Landscape Design Statement (LDS) as part of the VIA. The LDS provided an indicative plant schedule for the MPW site, seeking to utilise low-water-use native plant palettes throughout the precinct.</p>	Yes.
Heritage		
<p>E19. All future Development Applications relevant to MA6 and MA7 (Scarred Trees) shall include a consideration of Aboriginal cultural value of the trees and options for avoiding impacts and ongoing conservation measures, including evidence of consultation with Aboriginal community representatives.</p>	<p>The Department considered that this requirement is not applicable to MPW Stage 3. Scar portions of MA6 and MA7 are proposed to be removed and relocated as part of MPW Stage 2 salvage works.</p>	N/A.

<p>E20. All future Development Application shall assess heritage impacts of the proposal. The assessment shall:</p> <ul style="list-style-type: none"> a) consider impacts to Aboriginal heritage (including cultural and archaeological significance), in particular impacts to Aboriginal heritage sites identified within or near the project should be assessed. Where impacts are identified, the assessment shall demonstrate effective consultation with Aboriginal communities in determining and assessing impacts and developing and selecting options and mitigation measures (including the final proposed measures); b) consider impacts to historic heritage. For any identified impacts, the assessment shall: <ul style="list-style-type: none"> (i) outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the measures). Mitigation measures should include (but not be limited to) photographic archival recording and adaptive re-use of buildings or building elements on site); (ii) be undertaken by a suitably qualified heritage consultant(s); and (iii) include a statement of heritage impact. 	<p>The Department is satisfied that condition E20(a) has been addressed. As the Proposal sits entirely within the approved construction footprint of the MPW Stage 2 project, the potential impacts to Aboriginal cultural heritage were assessed under MPW Concept Plan Early Works and MPW Stage 2.</p> <p>Additionally, the Department considers that Condition E20(b) has been addressed with the Applicant providing a non-Aboriginal Heritage assessment, capturing proposed mitigation and management measures, prepared by a suitably qualified heritage consultant (see Section 6.8).</p>	<p>Yes.</p>
Soil and Water		
<p>E21. All future Development Application shall include an assessment of soil and water impacts. The assessment shall (where relevant):</p> <ul style="list-style-type: none"> a) assess impacts on surface and groundwater flows, quality and quantity, with particular reference to any likely impacts on Georges River and Anzac Creek; b) assess flooding impacts and characteristics, to and from the project (including rail link), with an assessment of the potential changes to flooding behaviour (levels, velocities and direction) and impacts on bed and bank stability, through flood modelling, including: <ul style="list-style-type: none"> (i) hydraulic modelling for a range of flood events; (ii) description, justification and assessment of design objectives (including bridge, culvert and embankment design); (iii) an assessment of afflux and flood duration (inundation period) on property; and (iv) consideration of the effects of climate change, including changes to rainfall frequency and/or intensity, including an assessment of the capacity of stormwater drainage structures. c) identify and assess the soil characteristics and properties that may impact or be impacted by the project, including acid sulfate soils; 	<p>The Department considers this requirement to be addressed with the Applicant providing comprehensive and cumulative assessments for potential construction and operation impacts on soil and water. See Section 6.7 and 6.8 for further discussion.</p>	<p>Yes.</p>

d) include a contamination assessment in accordance with the guidelines made under the <i>Contaminated Land Management Act 1997</i> and in consultation with the EPA for the subject site including the Glenfield Waste Facility.		
E22. All future Development Application which includes construction in the vicinity of Amiens Wetland shall include advice from an independent wetland expert to determine whether it is artificial or a natural lake basin, its significance, and any recommendations on mitigation measures (if appropriate).	N/A. The site area is outside of the catchment area for the Amiens Wetland.	N/A.
E22A. All future Development Applications must demonstrate that the proposed development, including the importation and placement of fill, will not adversely impact on or be adversely impacted by long term management or monitoring of remediation required under the Stage 1 Early Works in relation to contaminated land management.	The Department considers that the proposal has addressed this requirement. The Department has recommended conditions that the Contamination Management Plan (CMP) prepared under Condition B164 and Long Term Environmental Management Plan (LTEMP) prepared under Condition B172 of MPW Stage 2 (SSD 7709) are implemented for the duration of construction and operation of the development. Further discussion is at Section 6.4 .	Yes.
Hazards and Risks		
E23. All future Development Application shall be accompanied by a preliminary risk screening completed in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> and <i>Applying SEPP 33</i> (DoP 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the proposal. Should preliminary screening indicate that the proposal is 'potentially hazardous,' a Preliminary Hazard Analysis (PHA) must be prepared in accordance with <i>Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis</i> (DoP 2011) and <i>Multi-Level Risk Assessment</i> (DoP 2011). The PHA should: a) Estimate the risks from the facility; b) Be set in the context of the existing risk profiles for the intermodal facility and demonstrate that the proposal does not increase the overall risk of the area to unacceptable levels; and c) Demonstrate that the proposal complies with the criteria set out in the <i>Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning</i> .	The Applicant submits that the proposal falls within the definition of a 'potentially hazardous industry' under SEPP 33, as a range of hazardous materials would be stored and used onsite for refueling and maintenance works. These hazardous materials would be stored within the temporary construction compound area. The Applicant advised that the proposal does not trigger the SEPP 33 threshold limit (see Section 6.8).	Yes.
Bushfire Management		
E24. All future Development Application shall be accompanied by an assessment against the Planning for Bushfire 2006 (NSW Rural Fire Service).	The Department considers Condition E24 has been satisfied, with the proposal being assessed against both <i>Planning for Bushfire 2006</i> and <i>Planning for Bushfire Protection 2019</i> . Further discussion can be found at Section 6.8 .	Yes.

E24A. All future Development Applications must demonstrate that bushfire asset protection zones do not impact on biodiversity offset areas and the Georges River riparian corridor.	The Department is satisfied that Condition E24A has been satisfied in the proposal. The Department confirms that required APZ areas do not impact on biodiversity offset areas and the Georges River riparian corridor.	Yes.
Building Code of Australia		
E25. All future Development Applications shall demonstrate compliance with the Building Code of Australia, as relevant.	The Department considers that this requirement has been addressed and has recommended a condition reiterating this requirement.	Yes.
Subdivision		
<p>E26. Any future Development Application for subdivision must:</p> <ul style="list-style-type: none"> a) demonstrate compliance with the minimum lot size specified in the Liverpool Local Environmental Plan; b) demonstrate compliance with Condition 15 of this consent; c) include a subdivision plan showing completed estate works including but not limited to site services, internal roads, maintenance access roads, pedestrian paths, landscaping, lighting of common areas, provision for emergency services including for firefighting, onsite detention basins and stormwater treatment systems; d) include a detailed management and maintenance program for estate infrastructure; and e) nominate a single entity responsible for implementation of the management and maintenance program. 	<p>The Department considers that the Proposal has addressed the requirements of Condition E26. Noting that proposed lots contravene the minimum subdivision lot size (Clause 4.1) of LLEP 2008, the Applicant has submitted a clause 4.6 variation request as part of this application to vary the minimum lot size of LLEP 2008.</p> <p>The Department considered the Applicant's request, supports the clause 4.6 variation, and believes Council's concerns can be appropriately managed through conditions to manage subdivision of the site (see Section 6.3).</p>	Yes.
Staging		
<p>E27. Any future Development Applications that propose staging of construction must provide details of staging which:</p> <ul style="list-style-type: none"> a) describes how the development will relate to other future development stages including those on the MPE site; b) describes how estate infrastructure will be delivered in conjunction with warehouse construction; c) includes an indicative construction program for both MPW and MPE; d) documents how compliance with the requirements of conditions in this Schedule (Schedule 4) will be achieved; and e) demonstrates that estate infrastructure will be delivered prior to operation of the intermodal terminal facility, warehousing delivered in each stage, and the freight village. 	<p>No staging of construction activities is proposed for MPW Stage 3. However, the Applicant proposes to progressively subdivide the MPW site in a staged manner. Timing of subdivision works would largely be driven by market demand for warehousing and distribution facilities. The proposed staged approach to tenancing of warehouses would enable the long term leasing of individual warehouses and registration of these at the NSW Land Registry Services.</p> <p>To manage subdivision of the MPW site, the Applicant proposes to implement a Subdivision Staging Plan that clearly identifies each stage of the subdivision proposed and relevant estate works that relate to each stage (including but not limited to site services,</p>	Yes.

	<p>internal roads and stormwater drainage). The Department has recommended a series of conditions to manage subdivision of the MPW site (see Section 6.3).</p> <p>The Applicant provided an indicative construction program for MPW and MPE, which is provided at Appendix E.</p>	
Cumulative Impacts		
<p>E28. All future Development Applications must provide the timing for construction and operation on both the MPW and MPE sites and provide cumulative assessments for construction and operation on the MPW and MPE sites including, but not limited to:</p> <ul style="list-style-type: none"> a) traffic and access impacts; b) noise and vibration impacts; c) air quality impacts; d) stormwater drainage impacts; and e) ecological impacts. 	<p>The Applicant provided an indicative construction program for MPW and MPE, which is provided at Appendix E.</p> <p>Cumulative impacts have been assessed as part of the assessments for each of these key impacts. The Department has considered cumulative impacts closely. The Department's assessment of these matters is provided in:</p> <ul style="list-style-type: none"> • traffic impacts – Section 6.5 and 6.8 • noise impacts – Section 6.6 • air quality impacts – Section 6.8 • stormwater drainage impacts – Section 6.7 and 6.8 • ecological impacts – Section 6.8. 	Yes.
Interaction between MPW and MPE sites		
<p>E29. Any future Development Application that proposes the use of infrastructure on the MPE site or integration of operations across the MPW and MPE sites must:</p> <ul style="list-style-type: none"> a) demonstrate that there will be no overall increase in cumulative construction and operational environmental impacts; b) describe the relationship between similar facilities on each site such as the intermodal terminal facilities and freight villages; c) provide a mechanism to record the TEUs supplied and received at each of the MPW and MPE intermodal terminal facilities to demonstrate compliance with conditions 7 and 8 of this consent and conditions 1.6 and 1.7 of the MPE Concept Plan (MP 10_0193) approval; d) provide an overall Precinct (MPW + MPE) layout and design drawings, including for: <ul style="list-style-type: none"> (i) access to the Precinct, (ii) internal access and connections for pedestrians and vehicles including for the transfer of containers between intermodal terminal facilities and warehouses, (iii) public access including vehicle access between Anzac Road and Cambridge Avenue, public transport and pedestrian/cyclist connections, 	<p>The Department is satisfied that the Applicant has addressed this condition.</p>	Yes.

<ul style="list-style-type: none"> (iv) stormwater infrastructure including stormwater treatment and detention, and (v) landscaping and directional signage; and e) outline management and maintenance arrangements for the use of infrastructure on the other site. 	
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Appendix E – Indicative timeline of cumulative construction works – MPW Stage 2, MPW Stage 3 and MPE Stage 2 (Source: MPW Stage 3 Response to Submissions)

The Applicant advised that proposed timings are indicative and subject to change. Construction phasing is subject to market conditions, commercial agreements and authority approvals. For MPE Stage 2, Occupation Certificates have been issued for warehouse (WH) 1, WH3 and WH4.

Construction Phase ¹	2020			2021				2022				2023			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
SSD 7709 MPW Stage 2															
Pre-construction stockpiling															
Site preparation activities															
Bulk earthworks, drainage and utilities															
Moorebank Avenue/Anzac Road intersection works and internal road network															
Moorebank Avenue Realignment (Upgrade) Works (subject to separate SSI)															
IMT facility and rail link connection															
Construction and fit-out of warehousing															
Freight Village															
SSD 10431 MPW Stage 3															
Fill importation															
Internal roads, services and utilities															
Construction compound															

Construction Phase ¹	2020			2021				2022				2023			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
SSD 7268 MPE Stage 2 ²															
Construction of WH5															
Construction of WH6, WH7, WH8															
Construction of Freight Village															
Internal road networks															
Upgrade to Moorebank Avenue/M5 intersection															
Upgrade to Moorebank Avenue/Heathcote Road/Newbridge Road intersections															
Construction of WH2	To be advised														

Appendix F – Recommended Conditions of Consent

The recommended conditions of consent (SSD 10431) can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/27156>