

Modification of Consent (Mod 1) State significant development SSD 7628



SIMTA

SYDNEY INTERMODAL TERMINAL ALLIANCE

Part 4, Division 4.1, State Significant
Development

[This page intentionally left blank]

Modification 1

MOOREBANK PRECINCT EAST STAGE 2 (SSD 7628)

Authors Andrew Wiltshire and Richard Johnson

Checker Richard Johnson

Approver Michael Yiend

Report No 1904002004.1

Date 16/04/2019

Revision 1

Author Details

Author Details	Qualifications and Experience
Richard Johnson	BSc; Dip. Law
	28 yrs environmental planning, assessment and management. 15 yrs public sector; 13 yrs consulting (water/ resources/ energy/ industrial/ infrastructure) Planning, construction, operation and decommissioning environmental management.
Andrew Wiltshire	BSc
	8 yrs environmental planning, assessment and management

REVISIONS

Revision	Date	Description	Prepared by	Approved by
OA	1/4/19	Draft	Andrew Wiltshire; Richard Johnson	Richard Johnson
1	16/4/19	Final for submission to DPE	Andrew Wiltshire; Richard Johnson	Richard Johnson

Table of Contents

1.0 Introduction.....	4
1.1 Background.....	4
1.2 Site context.....	4
1.3 Purpose of this report	6
2.0 Submissions overview.....	7
3.0 Government submissions	8
3.1 Introduction.....	8
Office of Environment and Heritage.....	8
Roads and Maritime Services.....	9
Environment Protection Authority.....	13
Liverpool City Council	14
Traffic and transport.....	14
Biodiversity.....	16
Signage	18
General referencing.....	18
4.0 Public submissions	21
5.0 Proposed modification clarifications.....	29
5.1 Modification to Condition of Consent B104	29
5.2 Modification to Condition of Consent B13 and B14	30
5.3 Modification to Condition of Consent - General referencing.....	30
6.0 Conclusion	33
Table 1 Office of Environment and Heritage - Biodiversity	8
Table 2 Roads and Maritime Services submission – Traffic and transport.....	9
Table 3 Liverpool City Council submission – Traffic and transport.....	14
Table 4 Liverpool City Council supplementary submission	15
Table 5 LCC submission - Biodiversity	16
Table 6 Liverpool City Council submission - Signage.....	18
Table 7 Liverpool City Council submission - General referencing	18
Table 8 Public submissions	21
Table 9 Proposed Modification to B104, Table 7 – Table 5 from Modification 1 EIS (Aspect Environmental, 2019)	29
Table 10 Revised Proposed Modification to B104, Table 7.....	30
Table 11 Revised Table 6 (extract) – CoC B44	31
Figure 1 MPE Stage 2 site	5

1.0 Introduction

1.1 Background

Qube Holdings Limited (the Applicant) is seeking to modify development consent SSD 7628 for the following:

- revision of the controls relating to building signage as part of the Signage Sub Plan, as set out in Condition of Consent (CoC) B141(f);
- revision of the specified timing requirements for road upgrades, as set out in CoC B13; and
- revision of the biodiversity offset credit requirements, as set out in CoC B104.

In addition to the modifications to CoC B141(f), CoC B13 and CoC B104, identified above, the proposed modification also seeks to modify various conditions of the consent instrument to provide correct referencing to avoid potential misinterpretation and to facilitate effective compliance by the Applicant.

The proposed modification application and environmental impact statement (EIS) was lodged with the Department of Planning and Environment (DP&E) on 7 January 2019 and was placed on public exhibition between 24 January 2019 and 8 February 2019.

A total of ten submissions were received, four from Government entities, one from a special interest group and five from individuals. These submissions have been reviewed, and a response to all relevant matters raised has been provided.

1.2 Site context

The Moorebank Precinct East (MPE) site, including the MPE Stage 2 Project site, is located approximately 27 km south-west of the Sydney central business district and approximately 26 km west of Port Botany. The MPE site is situated within the Liverpool local government area, in Sydney's South West subregion, approximately 2.5 km from the Liverpool City Centre.

The MPE Project involves the development of an intermodal facility including warehouse and distribution facilities, freight village (ancillary site and operational services), stormwater, landscaping, servicing and associated works on the eastern side of Moorebank Avenue, Moorebank.

The MPE Stage 2 Project (SSD 7628) involves the construction and operation of warehousing and distribution facilities on the MPE site and upgrades to approximately 1.5 kilometres of Moorebank Avenue (Figure 1).

MPE Stage 2 Response to Submissions



Figure 1 MPE Stage 2 site (Source: MPE Stage 2 EIS Response to Submissions, Arcadis July 2017)

Key components of the Project include:

- Earthworks, including the importation of 600,000 m³ of fill and vegetation clearing
- Warehousing and additional ancillary offices comprising approximately 300,000 m² GFA
- A freight village, comprising 8,000 m² GFA of retail, commercial and light industrial land uses
- Establishment of an internal road network, and connection of the Project to the surrounding public road network
- Ancillary supporting infrastructure within the Project site, including:
 - Stormwater, drainage and flooding infrastructure
 - Utilities relocation and installation
 - Vegetation clearing, remediation, earthworks, signage, lighting and landscaping
- An upgrade to Moorebank Avenue including the following key components:
 - Modifications to the existing lane configuration, including some widening
 - Adjusting the vertical alignment by about two metres from the existing levels, including kerbs, gutters and a sealed shoulder
 - Signalling and intersection works
- Upgrading existing intersections along Moorebank Avenue, including:
 - Moorebank Avenue / MPE Stage 2 access
 - Moorebank Avenue / MPE Stage 1 northern access
 - Moorebank Avenue / MPE Stage 2 central access
 - MPW Northern Access / MPE Stage 2 southern emergency access
- Operations being undertaken 24 hours per day and seven days per week.

The Applicant is moving forward with the development of the MPE site and construction activities related to MPE Stage 2 have commenced. As a result, the need has arisen to revisit the wording of specific conditions and their alignment with the current progression and practical requirements of the development.

1.3 Purpose of this report

The purpose of this report is to respond to submissions received during the public exhibition of the EIS relevant to the proposed modification and to present any additional clarifications required to ensure that the CoCs remain consistent.

This report does not directly respond to matters beyond the scope of the proposed modification.

This report will be submitted to DP&E for their consideration.

2.0 Submissions overview

The Proposed Modification application was publicly exhibited for two weeks from 24 January 2019 to 8 February 2018. All submissions are available on DP&E's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9634

As previously noted, a total of ten submissions were received following the exhibition period. Submissions were received from the following New South Wales (NSW) Government entities:

- Roads and Maritime Services (RMS)
- Office of Environment and Heritage (OEH)
- Environment Protection Authority (EPA)
- Liverpool City Council (LCC)

The submissions from RMS and OEH were received outside of the public exhibition period, on 20 February 2019 and 28 February 2019, respectively.

Further to the submissions noted above, an additional submission was received from LCC outside of the public exhibition period. This submission did not relate directly to the Proposed Modification, but rather to the MPE development as a whole, and its impacts to the local road network. Regardless of its relevance (or otherwise) to the Proposed Modification, it has been considered as part of the submissions response process outlined below.

In addition, a submission was received from a special interest group and a further five individual submissions were received:

- East Liverpool Progress Association (ELPA)
- Allen Corben
- Narelle and Paul van den Bos
- Carlos Ovelar
- John Anderson
- Kelly Harris

All submissions received were reviewed and categorised. Submissions have been grouped into categories based on their source: government entity, special interest group, and individual.

Where a matter raised in a submission was considered of merit and required a response, each matter was assigned a general category and a condition reference based on the nature of the matter, ie 'traffic and transport' or 'biodiversity', and the proposed modification component that it related to, ie CoC B13 or B104.

A response to the matters of merit raised in submissions has been prepared and is provided in the following chapters.

3.0 Government submissions

3.1 Introduction

The submissions provided by Government entities have been collated and considered in the context of the proposed modification elements. Responses to the matters raised in these submissions are provided below.

Office of Environment and Heritage

The OEH provided a submission (dated 28 February 2019) in support of the proposed modifications to Table 7 of CoC B104 and provided comments in relation to *Persoonia nutans* credit requirements and formatting of the revised table. These comments, and the Applicant's response are provided in Table 1 below.

Table 1 Office of Environment and Heritage - Biodiversity

Category	Condition reference	Matter raised	Response
Biodiversity	B104	OEH support the proposed modifications to Table 7, condition B104 in relation to <i>Hibertia puberula</i> subsp. <i>puberula</i> .	Noted.
Biodiversity	B104	OEH support the proposed modifications to Table 7, condition B104 in relation to <i>Persoonia nutans</i> , but considers the credits required should be proportionally increased to 1540.	The modification does not seek to increase the number of <i>Persoonia nutans</i> plants that would be impacted from the 12 that were previously approved. An error in a table within a draft Biodiversity Offset Package document prepared to address CoC B104 was inadvertently transcribed into the modification. The impacts to <i>Persoonia nutans</i> remain consistent with those documented in CoC B104, being 12 individuals (4 within the MPE Stage 2 Site and 8 within the Moorebank Avenue Site) requiring an offset of 924 credits.
Biodiversity	B104	OEH recommend the 2nd column heading of Table 7, Condition B104 be amended to 'Impacted individuals or area' and the listed items be labelled accordingly.	Noted. Recommended change has been included.

An updated Table 7 revised to reflect the error and OEH's recommendation is provided in Section 5.

Roads and Maritime Services

The RMS' submission did not expressly object to the proposed modification of CoC B13 or raise any reasons why the application should be refused. However, the RMS has asked the Applicant to provide additional information which the RMS says it will assess and respond to accordingly.

RMS' request, and the Applicant's response is outlined in Table 2 below.

Table 2 Roads and Maritime Services submission – Traffic and transport

Category	Condition reference	Matter raised	Response
Traffic and transport	B13	Confirmation of timing for occupation certificates for all warehousing up to 300,000 sqm will be sought, when is it proposed to apply for the first occupation certificate for warehousing in excess of 100,000 sqm.	<p>The applicant is unable to provide confirmation of timing of occupation certificates for all warehouses up to 300,00 sqm GFA due to the progressive nature of the construction of this aspect of the development. The timing of construction and occupation of warehouses is generally linked to tenant requirements and market demand.</p> <p>The first occupation certificate for warehousing in excess of 100,000 sqm GFA is expected in Q3 2020.</p> <p>The proposed modification of B13 to require 100% design approval from RMS prior to warehousing GFA exceeding 100,000 m² will not increase transport network impacts beyond those envisaged as a result of the 250,000 TEU throughput restriction. Further, the timing is reflective of the progressive development of warehousing and the resultant generation of container freight road volume, ie the development is not anticipated to be operating at maximum capacity effective day 1 of operation.</p>
Traffic and transport	B13	Proposed modification of Condition B13 would extend the timeframe for delivery of necessary road upgrade works to mitigate traffic impacts from approved development. Additional information requested regarding traffic impacts on Moorebank Avenue, particularly the management of HVs in the absence of the	<p>The timing of roadworks required to respond to development impacts is linked to the progression of the development and the ability to obtain associated Agency approvals (ie WAD under B14).</p> <p>The road network demand and impact on intersections as a result of the MPE Stage 2 Project is created by TEU throughput</p>

Category	Condition reference	Matter raised	Response
		new signalised intersection on Moorebank Avenue and road upgrade works.	<p>transported by road, not by warehouse GFA and occupancy.</p> <p>Timeframes for the required upgrades outlined in CoC B13 have been tied to warehousing occupation, rather than IMEX TEU throughput as presented in the Concept Plan EIS assessment (MP10_0193). The Transport and Accessibility Impact Assessment (Hyder, August 2013) identifies that Moorebank Avenue widening would not be required prior to exceeding 250,000 TEU.</p> <p>Throughput is limited to 250,000 TEU transported by road until such time as the local traffic network has demonstrated capacity by operation of Concept Plan conditions 1.6 and 1.7.</p> <p>At present, forecasting indicates an anticipated exceedance of the proposed 100,000 GFA threshold in Q3 2020. Exceedance of 100,000 m² GFA does not of itself indicate an adverse impact as a direct result of the development, as background growth at this time remains the predominant impact on the transport network capacity.</p> <p>Commencement of the Moorebank Avenue upgrade works, which includes new signalised intersections, is in preparation stage for construction to commence mid-2019, with completion forecast by Q3 2020. This timing would see the Moorebank Avenue upgrade in place in advance of operation of the MPE terminal at 250,000 TEU throughput transported by road, and coinciding with operation of warehousing above 100,000 m² GFA.</p> <p>Accordingly, in advance of reaching the 250,000 TEU throughput transported by road impact trigger, there is no increase in impacts associated with heavy vehicle movements on Moorebank Ave beyond those already assessed and approved.</p> <p>These assessed and approved impacts do not change as a result of</p>

Category	Condition reference	Matter raised	Response
			<p>the proposed changes to upgrade delivery timeframes, and the current CTAMP for MPE Stage 2 will continue to be adequate to manage impacts associated with heavy vehicle movements on Moorebank Avenue. This timing, however, has dependencies on construction progression and achievement of other approvals from RMS (ie for 100% design and issue of a WAD under B14).</p> <p>Delivery against the proposed timing schedule within B13 is dependent on the execution of the WAD under B14. The WAD process has commenced for MAUW and would progressively be applied to remaining upgrade requirements.</p> <p>Accordingly, where the proposed modification to B13 is accepted, CoC B14 also requires consequential amendment to reflect the current timing of the WAD process, aligned to the actual delivery against B13. This is discussed further in Section 5.</p>
Traffic and transport	B13	Proposed MARW or Moorebank Ave South Upgrade required by the draft VPA for MPW Stage 2 will undergo a separate planning approval process, therefore applicant is requested to justify why road upgrades required by Condition B13 cannot or should not be completed prior to delivery of MARW or MAUW South.	<p>The road network demand and impact on intersections as a result of the MPE Stage 2 Project is created by IMEX TEU throughput transported by road, not by warehouse GFA and occupancy. IMEX throughput cannot exceed 250,000 TEU transported by road until such time as the local road network has demonstrated capacity.</p> <p>It is anticipated that the road upgrades under B13 should be able to be commenced, if not completed, prior to the delivery of either MARW or MAUW south under the VPA.</p> <p>As stated previously, the timing for enabling delivery of CoC B13 upgrades has a critical dependency on 100% Design approval from RMS and completion of the WAD under CoC B14. Delays in these process steps will have a direct consequential impact on the delivery timing of B13 upgrades.</p> <p>The approvals process for MARW, as identified in the VPA, has a latest completion date of 31 December</p>

Category	Condition reference	Matter raised	Response
			<p>2021, which is representative of the timing to process an SSI EIS through the DP&E processes under the EP&A Act. The VPA is linked to the approval of MPW Stage 2 which has not (at the time of response) been presented to the Independent Planning Commission.</p> <p>Construction would commence following EIS approval on the basis of a subsequent 100% design approval from RMS. The timing for delivery of the MARW would again be dependent on RMS review and approval timeframes.</p> <p>In the interim, the predominant impact on all road intersections remains background growth. Until the site has been operational at a capacity of 250,000 TEU and traffic modelling demonstrates the transport network has sufficient capacity for the predicted operational traffic volume generated by the development, the throughput capacity cannot be increased.</p> <p>It is not in the interests of the Applicant to delay the identified upgrades that otherwise prevent the development from operating at its intended capacity.</p>
Traffic and transport	B13	RMS provided preliminary design comments in March and April 2018 for the M5 interchange/Moorebank Ave, Newbridge Road/Moorebank Ave, and Heathcote Road/Moorebank Ave intersections. Further information is requested regarding timelines/schedules for the development and submission of the concept civil design.	<p>A concept design program has been established to reflect the proposed timeframes for 100% design approval presented in the Modification application. The Applicant is continuing progressing the concept civil design accordingly. Engagement of a design consultant is presently being finalised.</p> <p>Submission of the 20% concept design for the M5 interchange/Moorebank Ave, Newbridge Road/Moorebank Ave, and Heathcote Road/Moorebank Ave intersections, inclusive of the Project Verifiers comments, to RMS is projected for June 2019.</p> <p>The Applicant will continue to consult with RMS on the concept design, on an as needed basis, prior to submission.</p>

Environment Protection Authority

The NSW EPA raised no specific concerns with the proposed modification. The EPA made the comment that the conditions relating to stormwater infrastructure require a stormwater quality treatment train that will reduce specific pollutants by certain percentages (Condition B40(e)(i)). Given that the level of pollutants in the water prior to treatment is unknown, and the physical and chemical characteristics of the receiving waters is not considered by CoC B40, following the surrender of the EPL, it is possible that discharges of treated stormwater may constitute water pollution under s 120 of the POEO Act.

Accordingly, the NSW EPA recommends that the modified consent should clearly articulate that no condition of the consent permits the pollution of water under s120 POEO Act.

This recommendation is noted by the Applicant. CoC B106 of Development Consent SSD 7628 requires the development and implementation of a Baseline Monitoring Program, which defines pre-development conditions for water quality among other things. This is to be integrated into the stormwater quality and quantity performance criteria referred to in CoC B40. The Baseline Monitoring Program also informs the preparation and implementation of a Biodiversity Monitoring Strategy that serves to identify any changes between upstream and downstream sites during construction and operation.

The applicant considers requirements of CoC B106, and the Applicant's ongoing compliance with the condition, along with the implementation of the amended Stormwater Management Plan under CoC B40 are, in effect, equivalent to the intent of NSW EPA's recommendation.

No objection to the recommendation by NSW EPA is made. The Applicant maintains its commitment to compliance with all statutory requirements and obligations and will continue to manage the site and implement appropriate control measures to prevent pollution of water in typical storm events.

Liverpool City Council

The LCC provided a submission letter (dated 8 February 2019) that provided comments relating to each element of the Proposed Modification.

Traffic and transport

In their submission, LCC raised a concern regarding the proposed modification of CoC B13. This is summarised and responded to in Table 3 below.

Table 3 Liverpool City Council submission – Traffic and transport

Category	Condition reference	Matter raised	Response
Traffic and transport	B13	Council is concerned that the required works would not be linked to the occupation of the warehouses that were assessed in the original SSD application and identified to generate traffic, which necessitated the required works.	<p>The road network demand and associated impact on intersections is created by TEU throughput, not by warehouse GFA and occupancy. TEU throughput transported by road cannot exceed 250,000 per annum until such time as the local road network has demonstrated capacity.</p> <p>As above - 250,000 TEU cap and CoC A12: "the warehousing and distribution facilities must only be used for activities associated with freight using the MPE Stage 1 rail intermodal terminal."</p> <p>As noted previously, the predominant impact on all road intersections remains background growth. Intersection upgrades are not triggered under the Concept Plan Approval by the development while operating below or at the 250,000 TEU throughput threshold.</p> <p>Until the site has been operational at a capacity of 250,000 TEU and traffic modelling demonstrates the transport network has sufficient capacity for the predicted operational traffic volume generated by the development, the throughput capacity cannot be increased.</p> <p>It is not in the interests of the Applicant to delay the identified upgrades that otherwise prevent the development from operating at its intended capacity.</p>

In addition to the traffic and transport-related matter raised by LCC in their initial submission summarised above, LCC provided an additional submission outside of

the public exhibition period (dated 21 February 2019) that did not relate directly to the proposed modification, but to the development of MPE and the related traffic upgrades. In this additional submission, LCC requested the preparation of a separate or addendum Planning Agreement that covers the “*Eastern Precinct*”, which is assumed to be the MPE Site. LCC requested that this planning agreement include the following:

- Triggers for payment of Section 94 contributions;
- Concept plans for all required upgrades to the regional roads;
- Requirement for an Environmental Impact Assessment of the proposed realignment of Moorebank Avenue;
- Triggers for design and construction of the various upgrades justified by the supporting traffic impact assessment; and
- Council as a signatory.

Table 4 Liverpool City Council supplementary submission

Matter raised	Response
Triggers for payment of Section 94 contributions	These are specified within the provisions of the EP&A Act. Contributions for MPE Stage 2 SSD have already been made in accordance with CoC.
Concept plans for all required upgrades to the regional roads	The environmental assessment processes under the EP&A Act are applicable to the identified road upgrades within CoC B13. The specific upgrades prescribed in CoC B13 are reflective of comments provided in RtS to MPE Stage 2 by RMS, TfNSW and LCC (Arcadis, 2017).
Requirement for an Environmental Impact Assessment of the proposed realignment of Moorebank Avenue	Moorebank Avenue Realignment is not part of the MPE Stage 2 SSD 7628 Proposal or this modification. It would be part of a separate assessment process. The potential realignment is specified in the exhibited Planning Agreement between RMS and Qube and would be undertaken in accordance with the relevant provisions of the EP&A Act.
Triggers for design and construction of the various upgrades justified by the supporting traffic impact assessment	Triggers are linked to traffic impact assessment. Delay in construction progress and progressive design approval have meant that timings in conditions imposed in January 2018 are almost 12 months behind actual site development. Dependencies on additional approval steps (ie RMS design approval and CoC B14 WAD) present a potential for delay in achieving the dates prescribed under CoC B13. Progress on the road upgrades' designs has commenced. It is not in the interests of the Applicant to delay the identified upgrades that otherwise prevent the development from operating at its intended capacity. Traffic impacts requiring upgrades as a result of the development were not identified as being required up to the 250,000 TEU throughput threshold. Thereafter demonstration of the capacity of the local traffic network would need to be demonstrated before operations could proceed up to the 500,000 TEU level, during which road upgrades would be required.
Council as a signatory	No requirement for a further planning agreement including LCC for either State or local infrastructure.

LCC has received development contributions totalling \$3.578M for impacts relating to the MPE Stage 2 development, as per CoC A31. This sum is in addition to the \$643,000 in developer contributions for MPE Stage 1.

In their additional submission, LCC references the exhibited VPA to be executed as part of the MPW Stage 2 development application, which provides State public infrastructure contributions and works in kind for the design, assessment and construction of a realignment of Moorebank Avenue and its dedication to RMS. The VPA is required as part of the determination of the MPW application, as it is the agreed upon mechanism to constitute "satisfactory arrangements" under Clause 7.36 of the Liverpool LEP.

Clause 7.36 of the Liverpool LEP does not apply to the MPE Site.

The effect of this request would be that the Applicant is paying twice for the upgrades to mitigate the same impact. The Applicant does not accept that this is a reasonable request by LCC.

Biodiversity

In their submission, LCC sought clarifications relating to the proposed modification of CoC B104. This is summarised and responded to in Table 4 below.

Table 5 LCC submission - Biodiversity

Category	Condition reference	Matter raised	Response
Biodiversity	B104	Council seek clarification as to how the proposed credits have been calculated, particularly with reference to the <i>Hibbertia</i> credits dropping significantly from 4,400 credits to 101, along with a doubling of the Nodding Geebung.	<p>Regarding <i>Hibbertia puberula</i> subsp. <i>puberula</i>, the credits have been calculated by applying a 30 m buffer to all records of the species within the MPE Stage 2 Site and Moorebank Avenue site and dissolving the boundaries to form an 'area of occupancy' or species polygon. The area of occupancy is then entered into the credit calculator to determine the offset requirement.</p> <p>The reason for the order-of-magnitude difference in credit requirement is because under the 'area' quantification methodology there are 40 credits required per hectare of loss (for <i>Hibbertia puberula</i> subsp. <i>puberula</i>) whereas under the 'count' methodology there was 40 credits required per individual plant.</p> <p>The same 'area' quantification methodology has been applied within the Moorebank Precinct biobank site (at the request of OEH)</p>

Category	Condition reference	Matter raised	Response
			<p>therefore there has been a commensurate reduction in the yield of credits being generated. The proposed modification to CoC B104 is bringing the methodology applied in the BAR into alignment with the biobank site and with expectations of OEH.</p> <p>Regarding <i>Persoonia nutans</i>, the modification does not seek to increase the number of <i>Persoonia nutans</i> plants that would be impacted from the 12 that were previously approved. An error in a table within a draft Biodiversity Offset Package prepared to address CoC B104 was inadvertently transcribed into the modification.</p> <p>The impacts to <i>Persoonia nutans</i> remain consistent with those documented in CoC B104, being 12 individuals (4 within the MPE Stage 2 Site and 8 within the Moorebank Avenue Site) requiring an offset of 924 credits.</p>
		Council seek clarification of whether the 30 m buffer area required for flora species where the unit of measure is a count of individuals (according to the Threatened Biodiversity Data Collection [no further reference provided - assume this is part of the NSW BOS]) and to view the ecological report.	Yes, the species polygon was calculated by applying a 30 m buffer to all existing records of <i>Hibbertia puberula</i> subsp. <i>puberula</i> and dissolving the boundaries into single shape.

Signage

In their submission, LCC does not object to the proposed modifications to CoC B141(f) and requests additional information. This is summarised and responded to in Table 5 below.

Table 6 Liverpool City Council submission - Signage

Category	Condition reference	Matter raised	Response
Signage	B141(f)	Council generally raises no objection to the revision of Condition B141f(ii), acknowledging that the 3 m height limit is onerous and notes that from the submitted drawings that the majority of proposed signage sits well under the main parapet of the buildings. The exception is the vertical signage on the Freight Village, accordingly, Council requests that a visual impact assessment of the vertical signage on the Freight Village be undertaken (Condition B141(f)(ii)).	<p>The visual impacts associated with the Freight Village were assessed as part of the EIS. The requirement for additional visual impact assessment of the vertical signage on the Freight Village is considered unnecessary as the maximum signage height of the Freight Village remains well below the 21 m height of the surrounding warehouses at the development, meaning the likelihood of significant visual impacts associated with the Freight Village is minimal when considered in the context of the visual landscape of the approved MPE Stage 2 development as a whole and the boundary landscaping and screening proposed, and required, to be applied in accordance with the EIS and CoCs B140 and B141(b).</p> <p>Furthermore, the Freight Village is bordered by existing industrial and military development, and Moorebank Avenue meaning any public viewpoints are either affected by motion or distance distortion and screened by perimeter landscaping as required by the UDLP under CoC B140.</p>
Signage	B141(f)	Council raises no objection to the revision of Condition B141f(v).	Noted.
Signage	B141(f)	Council raises no objection to the revision of Condition B141f(viii).	Noted.

General referencing

Table 5 below provides a summary of LCC's submission on Table 6 of the Proposed Modification EIS – *CoC modification to general referencing (Arcadis, 2018)*.

Table 7 Liverpool City Council submission - General referencing

Category	Condition reference	Matter raised	Response
General referencing	A22	Council do not support proposed revision. B141 does refer to design plans so should not be deleted.	The update is required to correct incorrect condition numbering carried over from the draft Consent conditions, following the deletion of conditions during the finalisation and issuing of the consent. CoCs B139 and B140 (previously B140 and B141 in draft) refer to the UHIMS and the UDLP. CoC B141 (previously CoC B142) refers to the sub-plans required as part of the UDLP, therefore the inclusion of reference to B141 is an unnecessary double-reference.
	34(e)	Council supports the proposed revision.	Noted.
	B45	Council does not support the proposed revision.	<p>The proposed modification does not seek to modify CoC B45. The revised wording put forward in Table 6 of the Modification EIS actually refers to CoC B44, as the CoC intended to be modified.</p> <p>Construction discharges are monitored in accordance with the requirements of the Soil and Water Management Plan, as part of the CEMP. The revision of this condition is required to ensure that there is a clear delineation of responsibilities for stormwater monitoring during construction and during operations, and to eliminate duplication.</p>
	B92	Council supports the proposed revision.	Noted.
	B99	Council supports the proposed revision.	Noted.
	B139(d)(iii)	Council supports the proposed revision.	Noted.
	B140(l)	Council supports the proposed revision.	Noted.
	B140(o)	Council does not support the proposed revision. Reference to B108 should remain and references to both B110 and B111 be added.	<p>The proposed modification to the wording of B140(o) is:</p> <p><i>“details of where and how recommendations from the Flora and Fauna Management Plan for adjoining offset area (condition B108 B110) have been incorporated into the UDLP.”</i></p> <p>As outlined, in Table 6 of the Proposed Modification EIS, the B108 reference in CoC B140(o)</p>

Category	Condition reference	Matter raised	Response
			<p>refers to the Construction Flora and Fauna Management Plan (CFFMP). Given that the CFFMP is a construction document and does not apply to the “<i>adjoining offset area</i>” referred to in the Condition as no construction activities are proposed in the offset areas as part of the MPE Stage 2 Project, the reference to the CFFMP in the condition appears incorrect.</p> <p>As the Urban Design and Landscape Plan is an operational document, reference to B110, the Operational Flora and Fauna Management Plan, is more suitable.</p> <p>The Applicant does not believe that the inclusion of B111 in CoC B140(o) is appropriate. The inclusion of reference to B111 in CoC B140(o) is an unnecessary duplication as CoC B140(p) already contains reference to the Bushfire Management Plan (BMP) (CoC 144). In accordance with CoC B144, the BMP must demonstrate “<i>that the bushfire asset protection zones can be contained wholly within the site boundary and that management of the inner protection zone will not impact the Boot Land.</i>”, requirements which are replicated in CoC 111. The BMP has been prepared and submitted to the Secretary, as required by CoC B144, and is available on SIMTA’s website.</p>
	C9(c)	Council supports the proposed revision.	Noted.
	C23	Council supports the proposed revision.	Noted.

4.0 Public submissions

This section provides a summary of the submissions raised by the community and special interest groups. Given the small number of public submissions received, submissions have been grouped and responded to by submitter in Table 7 below.

Table 8 Public submissions

Category	Condition Reference	Matter raised	Response
East Liverpool Progress Association (ELPA)			
Signage	B141(f)	ELPA object to the modification to Condition B141(f) on the basis that the defined Signage sub plan is specific to the use of warehouses as defined by the limit of consent (Condition A12) and revision of B141 would render the project as not "substantially the same development" as approved.	This is incorrect.
Road Upgrades	B13	Object to the modification of Condition of Consent B13 on the basis that the Project's general approach to road upgrades has been irresponsible and deceptive. ELPA further note that TfNSW's recommendation for "deferred consent" on the requirement to finalise an agreement for state road network mitigation for the ultimate development prior to Stage 2 construction or operation of the site has been diluted to the terms of Condition B13, and any further changes would represent further dilution.	<p>The changes to CoC B13 proposed as part of the Modification reflect the progression of construction, which has been slower than anticipated. The road network demand and associated impact on intersections is created by TEU throughput, not by warehouse construction or operation. TEU throughput transported by road cannot exceed 250,000 per annum until such time as the local road network has demonstrated capacity.</p> <p>It is not in the interests of the Applicant to delay the identified upgrades that otherwise prevent the development from operating at its intended capacity.</p>
Site Suitability	NA	In addition to objecting to aspects of the proposed modification, ELPA attached a letter to the NSW Minister for Planning to their submission repeating their previous concerns relating to the site suitability of the development.	<p>Noted. The suitability of the site for the approved use was considered at length in the previous development applications for the site.</p> <p>The MPE Concept Plan Approval was granted by the Planning Assessment Commission on 29 September 2014.</p> <p>The MPE Stage 1 Project was approved by the Planning Assessment Commission on 12</p>

Category	Condition Reference	Matter raised	Response
			<p>December 2016 (Development Consent SSD 6766).</p> <p>The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628).</p>
Allan Corben			
General	NA	Inadequate information provided as part of the modification application.	The level of information provided as part of the modification application is considered adequate for DP&E to assess the application and is commensurate with the nature, scale and extent of likely impacts, which are considered to be minimal.
Signage	B141(f)	With reference to the proposed revision of Condition B141(f)(ii), suggests that signage over 3m should also have height restriction.	CoC B141(f)(ii) is limited to integrated building signage. Accordingly, any height restriction is limited by building heights as shown on provided building elevation drawings (Appendix A of the MPE Stage 2 Mod 1 EIS).
General	NA	Asserts that Qube should be open about plans to realign Moorebank Avenue, noting its potential impacts to the residents of Wattle Grove.	<p>Moorebank Avenue Realignment is not part of the MPE Stage 2 SSD 7628 Proposal or this modification.</p> <p>It is presently identified as a works in kind contribution in the exhibited Planning Agreement between RMS and Qube in respect of the demonstration of Satisfactory Arrangement required by clause 7.36 of the Liverpool LEP (2008) in respect of the MPW Stage SSD 16_7709 Application.</p> <p>Any future realignment of Moorebank Avenue would be subject to a separate planning assessment process that would include the assessment of potential environmental impacts to residents, including noise and amenity, as required.</p>
Biodiversity	B104	Objects to any modification to the current approval that relates to the <i>Hibbertia Puberula</i> .	The proposed modification does not involve any additional impacts to <i>Hibbertia puberula</i> subsp. <i>puberula</i> specimens beyond that already approved as part of the MPE Stage 2 Development. The proposed modification simply

Category	Condition Reference	Matter raised	Response
			seeks to update the credit requirements in accordance with the relevant assessment framework and to align the methodology with the Moorebank Precinct biobank site.
General Objection	NA	General historic objection to the development as a whole.	Noted.
Narelle and Paul van den Bos			
Signage	B141	Figure 2 of the Modification Report shows Type 1 street signage at four locations that are 6 m high. These Type 1 signs face residents' back yards when there is little traffic on an internal road.	<p>The Type 1 Street Signage shown in Figure 2 of the Modification EIS are wayfinding signs, required to ensure warehouses are easily identifiable to all users during 24 hour operations. The functional content of this signage is oriented north-south to enable easy visibility from the internal access road. No significant faces of this signage would be oriented east toward residences at Wattle Grove.</p> <p>In addition, as required by CoC B141(b) and outlined in the modification application, any illuminated signage would need to be in accordance with AS 4282-1997 – Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997) which means that the likelihood of adverse impacts to residents of Wattle Grove, over 400 m from the site boundary, is considered minimal.</p>
Signage	B141(f)	With reference to the proposed revision of Condition B141(f)(v), raises the question of whether the statement that the proposed integrated building signage, typically 13 m above ground level, would not be visible to residents to the east of MPE given the topography, distance, existing natural vegetation and proposed perimeter landscaping vegetation has been independently verified, and, if yes, can the evidence be publicly viewed.	<p>As described in Table 2 of the Modification application, the Boot Land bio-banking area lies to the immediate south of the site, in advance of the East Hills Passenger Rail line and Holsworthy Army Barracks beyond. South facing illuminated signs on the southernmost buildings, if requested, would not have an impact on amenity based on distance to sensitive receivers and lateral visibility from Moorebank Avenue would be screened by required boundary landscaping.</p> <p>Additionally, at least half of the MPE site buildings have internally facing east and/or south facades</p>

Category	Condition Reference	Matter raised	Response
			<p>that will be screened by other buildings further to the east and south, in addition to the provided vegetation landscaping. These same facades face onto the internal road network where clear building identification is required.</p> <p>Notwithstanding, a visual impact assessment and light spill study was undertaken as part of the MPE Stage 2 EIS (Appendix R), which is publicly available on DP&E's major projects website. The visual impacts presented as part of that assessment were considered acceptable. While not considered specifically, the proposed integrated building signage does not alter the scale or extent of the approved visual impact and is unlikely to extend to more than 60% of the warehouse's building height.</p> <p>The issued conditions of consent require, under CoC B141(b), that lighting associated with the development comply with AS 4282-1997 – Control of the obtrusive effects of outdoor lighting (Standards Australia 1997).</p> <p>Further, as identified in the modification application, integrated building signage has been removed from the east-facing walls of buildings on the eastern boundary. Other internally-facing walls would be blocked from visibility by the warehouses along the eastern boundary.</p>
Signage	B141	With reference to the proposed revision of Condition B141(f)(viii), raises the question as to whether the statement that compliance with Condition B141(b) prevents lighting from being obtrusive, creating a nuisance, reduces light spill and mitigates visual impact has been dependently verified, and, if yes, can the evidence be publicly viewed.	<p>The <i>Moorebank Precinct East (MPE) – Stage 2 Proposal Light Spill Assessment</i> undertaken by Arcadis (2016) as part of the MPE Stage 2 EIS, and included in Appendix R of the EIS, demonstrates that the lighting for the MPE Stage 2 Project would comply with AS 4282-1997 – Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997).</p>

Category	Condition Reference	Matter raised	Response
			<p>As outlined in AS 4282-1997, the content and recommendations of the Standard are based on consultation with stakeholders including local government, electricity utilities and the lighting industry; on studies of people's reaction to obtrusive light; on the extent of spill light from lighting installations; and on precedents for the regulatory control of obtrusive light.</p> <p>The Applicant considers that this is sufficient evidence of the veracity of the statement. The MPE Stage 2 EIS (Arcadis, 2017) is publicly available on SIMTA's website.</p>
Road Upgrades	B13	With reference to the proposed revision of Condition B13, queries if the transport modelling documentation that confirms the traffic impacts of the proposed modifications is available.	<p>Extensive traffic modelling has been undertaken for the MPE Project, including for the MPE Stage 2 EIS (Arcadis, 2016).</p> <p>The Proposed Modification does not involve any changes to the traffic impacts already approved for the MPE Stage 2 Project. These impacts, and the traffic modelling documentation that underpins them, are detailed in the <i>Moorebank Precinct East – Stage 2 Proposal EIS</i>, prepared by Arcadis (2016) and the <i>Moorebank Precinct East – Stage 2 Proposal Response to Submissions Report</i>, prepared by Arcadis (2017). Both of these documents are available on SIMTA's website.</p>
General	NA	Questions how the local community can be confident that their taxes are being spent appropriately, and their welfare considered.	<p>The MPE Site is privately-owned, and the MPE Stage 2 Project is being developed by SIMTA (as Qube Holdings Limited).</p> <p>In approving the MPE Stage 2 Project (Development Consent SSD 7628) on 31 January 2018, DP&E considered both the benefits and potential impacts of the project to local community.</p> <p>Additionally, as required by the CoC, the MPE project has provided over \$4M in developer's contributions to Liverpool City Council. This is in addition to the costs for upgrades to the</p>

Category	Condition Reference	Matter raised	Response
			<p>intersections identified in CoC B13 that are to be paid for by the Applicant, not the public via taxes.</p> <p>The MPE Stage 2 Project operates a Community Consultative Committee (CCC), in accordance with CoC B154, which comprises an independent chairperson, and representatives from the Applicant (Qube), LCC and the local community. Details of the CCC, including meeting notes, are available on the SIMTA website.</p>
Carlos Ovelar			
General Objection	NA	General objection to the project as a whole. Concerned with traffic congestion, pollution and public health, and quality of life of residents.	<p>Noted. The suitability of the site for the approved use was considered at length in the previous development applications for the site.</p> <p>The MPE Concept Plan Approval was granted by the Planning Assessment Commission on 29 September 2014.</p> <p>The MPE Stage 1 Project was approved by the Planning Assessment Commission on 12 December 2016 (Development Consent SSD 6766).</p> <p>The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628).</p> <p>In addition to the suitability of the site for development, the matters raised in this submission were adequately considered in the assessment documentation for the aforementioned approved projects, including the MPE Stage 2 EIS (Arcadis, 2016) and MPE Stage 2 Response to Submissions Report (Arcadis, 2017), as part of the approval process.</p> <p>The proposed modification does not involve any additional impacts to traffic congestion, pollution and public health, and amenity beyond those already assessed and</p>

Category	Condition Reference	Matter raised	Response
			approved for the MPE Stage 2 Project.
John Anderson			
General Objection	NA	General objection to the project as a whole, particularly concerned with the combination of traffic impacts of the development and the increasing population of South-West Sydney.	<p>Noted. The suitability of the site for the approved use was considered at length in the previous development applications for the site.</p> <p>The MPE Concept Plan Approval was granted by the Planning Assessment Commission on 29 September 2014.</p> <p>The MPE Stage 1 Project was approved by the Planning Assessment Commission on 12 December 2016 (Development Consent SSD 6766).</p> <p>The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628) and subsequently by the Land and Environment Court on 6 March 2018.</p> <p>In addition to the suitability of the site for development, the matters raised in this submission were adequately considered in the assessment documentation for the aforementioned approved projects, including the MPE Stage 2 EIS (Arcadis, 2016) and MPE Stage 2 Response to Submissions Report (Arcadis, 2017), as part of the approval process.</p> <p>The proposed modification does not involve any additional impacts to traffic and congestion beyond those already assessed and approved for the MPE Stage 2 Project.</p>
Kelly Harris			
General Objection	NA	General objection to the project as a whole, particularly Concerned with noise and light pollution, along with the threat to koalas due to clearing native vegetation.	<p>Noted. The suitability of the site for the approved use was considered at length in the previous development applications for the site.</p> <p>The MPE Concept Plan Approval was granted by the Planning</p>

Category	Condition Reference	Matter raised	Response
			<p>Assessment Commission on 29 September 2014.</p> <p>The MPE Stage 1 Project was approved by the Planning Assessment Commission on 12 December 2016 (Development Consent SSD 6766).</p> <p>The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628) and subsequently by the Land and Environment Court on 6 March 2018.</p> <p>In addition to the suitability of the site for development, the matters raised in this submission were adequately considered in the assessment documentation for the aforementioned approved projects, including the MPE Stage 2 EIS (Arcadis, 2016) and MPE Stage 2 Response to Submissions Report (Arcadis, 2017), as part of the approval process.</p> <p>The proposed modification does not involve an increase in noise and light pollution beyond those already assessed and approved for the MPE Stage 2 Project. In addition, the proposed modification does not include any clearing beyond that already approved as part of the MPE Stage 2 Project and, therefore, will not result in any additional impacts to flora and fauna in the area, including Koalas.</p>

5.0 Proposed modification clarifications

As outlined in the responses to submissions from RMS and OEH in Section 3, there are a small number of minor changes or clarifications to elements of the proposed modification required to ensure government agencies are satisfied that their comments have been addressed, and to ensure that there is no conflict between the proposed changes to the CoCs and other related conditions as part of the proposed modification.

5.1 Modification to Condition of Consent B104

As outlined in Section 4.3 of the Modification EIS, the proposed modification seeks to revise the credit requirement in Table 7 of the Consent to align with the change in biodiversity offsetting methodology implemented by the NSW OEH. The change in methodology has affected the quantification of impact and credit allocation for *Hibbertia puberula* subsp. *puberula* that was included in the original assessment, and as a result, the Consent.

The changes were reflected in Table 7 showing the proposed modifications to Condition B104, Table 7, below. Proposed additions are shown as **bold underlined** and proposed deletions shown as ~~strikethrough~~.

Table 9 Proposed Modification to B104, Table 7 – Table 5 from Modification 1 EIS (Aspect Environmental, 2019)

Species	Impacted individuals	Credits required
Nodding Geebung (<i>Persoonia nutans</i>)	1220	924
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	<u>1102.49 ha</u>	4400 <u>101</u>
Small-flower Grevillea (<i>Grevillea parviflora</i> subsp. <i>parviflora</i>)	79	1106

As described in Section 3, OEH are generally satisfied with the proposed changes to Table 7 of Condition B104. However, their submission noted that 1540 credits would be required to offset the revised number of *Persoonia nutans* impacted individuals included in the proposed modification. It is noted that the number of *Persoonia nutans* impacted individuals included in Table 5 of the Proposed Modification EIS is incorrect and the result of an error in a table within a draft Biodiversity Offset Package, prepared by Arcadis (2018), to address Condition of Consent B104 that was transcribed into the proposed modification. The impacts to *Persoonia nutans* remain consistent with those documented in CoC B104, being 12 individuals (4 within the MPE Stage 2 Site and 8 within the Moorebank Avenue Site) requiring an offset of 924 credits.

In addition, OEH recommended the 2nd column heading of Condition B104, Table 7 be amended to 'Impacted individuals or area' and the listed items be labelled accordingly.

Accordingly, the revised Table 7, updated in accordance with the correct *Persoonia nutans* impacted individuals count and OEH's recommendation, is provided below. Proposed additions are shown as **bold underlined** and proposed deletions shown as ~~strikethrough~~.

Table 10 Revised Proposed Modification to B104, Table 7

Species	Impacted individuals or area	Credits required
Nodding Geebung (<i>Persoonia nutans</i>)	12 <u>individuals</u>	924
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	1102.49 <u>ha</u>	4400 <u>101</u>
Small-flower Grevillea (<i>Grevillea parviflora</i> subsp. <i>parviflora</i>)	79 <u>individuals</u>	1106

5.2 Modification to Condition of Consent B13 and B14

An additional change to the CoCs is proposed to ensure there is no conflict between the proposed changes to Condition B13 and Condition B14. Condition B14 requires that:

A Works Authorisation Deed(s) (WAD) with RMS is to be executed by the Applicant for the infrastructure listed in condition B13 prior to the issue of the first Occupation Certificate for warehousing.

As outlined in Section 4.2 of the Modification EIS, the proposed revisions to Condition B13, Table 1 are required to ensure that the timing for delivery of the outlined road infrastructure upgrades is aligned with the current status of works at the site and to prevent an unintentional breach of the conditions.

The Applicant has been unable to substantially commence progression of the prescribed roadworks requirements under CoC B13 associated with roadworks consultation for design and WAD approvals.

Consultation with RMS for a WAD for the Moorebank Upgrade Works is progressing, however, as the timing trigger for the required upgrades is proposed to change under the modification, it is necessary to revise the timing requirement for a WAD, or WADs, for the required upgrades outlined in CoC B13.

Accordingly, the proposed amendment to CoC B14, is provided below and is consequential on the applicant's proposed amendment to CoC B13. Proposed additions are shown as **bold underlined** and proposed deletions shown as ~~strikethrough~~.

A Works Authorisation Deed(s) (WAD) with RMS is to be executed by the Applicant for the infrastructure listed in condition B13 ~~prior to the issue of the first Occupation Certificate for warehousing.~~

5.3 Modification to Condition of Consent - General referencing

As outlined in Section 4.4 of the Modification EIS (Aspect Environmental, 2019), a review of the MPE Stage 2 SSD 7628 Development Consent (issued 31 January 2018) identified a number of incorrect conditions references. Table 6 of the Modification EIS (Aspect, 2019) presented the proposed corrections to facilitate consistent and accurate implementation of the consent and avoid any misinterpretation in application.

Table 6 included the following proposed modification of CoC B45, presented as an extract of the table below.

B45	Stormwater Infrastructure Operation and Maintenance Plan	<p><i>The Stormwater Monitoring Program must:</i></p> <p>(a) assess water quality and quantity performance for construction discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and</p> <p>(b) include sampling locations and the frequency of sampling including wet weather sampling.</p>	<p>B43 indicates that the Stormwater Monitoring Program is to be prepared "prior to operation and must be implemented for 5 years following completion of construction to monitor performance of the stormwater treatment system". B45 indicates that the Stormwater Monitoring Program must "assess water quality and quantity performance for construction". The approach, construction monitoring, in B45 is therefore inconsistent with the requirement and intent of the Stormwater Monitoring Program, i.e. operational monitoring.</p>	<p><i>The Stormwater Monitoring Program must:</i></p> <p>(a) assess water quality and quantity performance for construction operation discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and</p> <p>(b) include sampling locations and the frequency of sampling including wet weather sampling.</p>
-----	--	---	---	--

The table incorrectly refers to CoC B45. The wording, comment and assumed correct wording of the table refer to CoC B44, as the CoC intended to be modified.

Accordingly, a revised extract of Table 6, updated in accordance with the correct CoC reference and description, is provided below. Proposed additions are shown as **bold underlined** and proposed deletions shown as ~~strike through~~. The content of the proposed modification remains unchanged.

Table 11 Revised Table 6 (extract) – CoC B44

CoA	Document	Wording	Comment	Assumed correct wording
B45 <u>B44</u>	Stormwater Infrastructure Operation and Maintenance Plan <u>Stormwater Monitoring Program</u>	<p><i>The Stormwater Monitoring Program must:</i></p> <p>(a) assess water quality and quantity performance for construction discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and include sampling locations and the frequency of sampling including wet weather sampling.</p>	<p>B43 indicates that the Stormwater Monitoring Program is to be prepared "prior to operation and must be implemented for 5 years following completion of construction to monitor performance of the stormwater treatment system". B45<u>B44</u> indicates that the Stormwater Monitoring Program must "assess water quality and quantity performance for construction". The approach, construction monitoring, in B45<u>B44</u> is therefore inconsistent with the requirement</p>	<p><i>The Stormwater Monitoring Program must:</i></p> <p>(a) assess water quality and quantity performance for construction <u>operation</u> discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and include sampling locations and the frequency of sampling including wet weather sampling.</p>

			and intent of the Stormwater Monitoring Program, i.e. operational monitoring.	
--	--	--	---	--

6.0 Conclusion

This modification seeks to

- remove the prescriptive height and illumination restrictions on building and site signage and to enable the Applicant to implement revised architectural drawings to avoid potential impacts and to retain a safe and effective operating environment for the development as submitted.
- amend prescribed timing for approval of road designs and their respective timing for implementation to reflect the actual progress of construction since provision of the consent.
- Provide consistency with current OEH quantification methods with respect to biodiversity credit retirement requirements
- provide correct referencing included across various conditions to avoid misinterpretation or erroneous application.

In providing the response to submissions it has been identified that an error in the biodiversity credit calculations has been identified and herein corrected. Additionally, the response to submissions identifies that, the proposed modification to CoC B13 necessitates a consequential change to CoC B14. That consequential change is proposed in this RtS.

In accordance with section 4.55(1A) of the EP&A Act, the proposed modification is considered appropriate to approve as:

- The consent as proposed to be modified is substantially the same development as the development for which consent was granted;
- The proposed modification will not result in any environmental impacts beyond those previously assessed; and
- The proposed modification remains generally consistent with the approved development.

Additionally, the modification removes inconsistency and conflict within the MPE Stage 2 SSD 7628 Development Consent conditions in their current form.