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Sent by email: heather.nelson@planning.nsw.gov.au

Re: Moorebank Precinct East – Stage 2 - Mod 1 SSD 7628

Dear Heather,

On 31 January 2018, SIMTA received development consent from the Planning Assessment Commission (Independent Planning Commission) for the construction and operation of Stage 2 of the Moorebank Precinct East Project (SSD 7628). The project comprises the second stage of development under the Moorebank Precinct East Concept Approval (MP10_0193).

Council has engaged Cardno to review the application on behalf of Council and to provide the following submission.

The Modification Application seeks consent from the Commission for the following:

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

In addition, consent is also sought to modify various conditions of the consent instrument to provide correct referencing.

The effect of the requested modifications to the consent conditions is 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 be reflective of the actual progress of construction since provision of the consent. Additionally, the proposed modification enables alignment with the intent and commitments of provisions within the Draft VPA prepared between RMS and Qube under the MPW Stage 2 SSD Application 16_7709 with respect to Works in Kind contributions.

- provide consistency with current OEH quantification methods with respect to biodiversity credit retirement requirements
- provide correct referencing including across various conditions to avoid misinterpretation or erroneous application.

Council have reviewed the exhibited EIS and Plans and make the following comments:

Modification of Condition B13 Road Infrastructure Upgrades

This condition specifies the required road upgrades associated with the development and the timeframes that outline the required completion dates for design and construction.

The proposed modification also seeks to amend **Condition B13** relating to the prescribed timing for approval of road designs by RMS and their respective timing for implementation.

The justifications given by the Applicant are:

- To ensure the timeframes and required completion dates of specific road works are reflective of the actual progress of construction since provision of the consent; and
- To enable alignment with the intent and commitments of provisions within the Draft VPA prepared between RMS and Qube under MPW Stage 2 SSD Application 16_7709 with respect to Works in Kind contributions.

Specifically, the application seeks to remove the reference to works to the Moorebank Avenue / M5 Motorway Intersection and the upgrading of Moorebank Avenue to four lanes between Anzac Avenue and the IMEX Terminal Main access point being linked to the issue of Occupation Certificates as required in the original consent conditions.

Upgrade	Specified Timing Requirements		
	Upgrade requirements	Required timing for 100% design approval by RMS	Required timing for completion of upgrade
Moorebank Avenue / M5 Motorway intersection	<ul style="list-style-type: none"> • Indicative layout to be provided by Applicant, subject to design development and approval by RMS 	To be obtained prior to the issue of the first Occupation Certificate for warehousing <u>in excess of 100,000m²</u>	Prior to the issue of the first Occupation Certificate for warehousing in excess of 100,000m², or not later than December 2020, or a later date as agreed with the Secretary of Transport for NSW

Newbridge Road / Moorebank Avenue intersection	<ul style="list-style-type: none"> Indicative layout to be provided by Applicant, subject to design development and approval by RMS 	To be obtained prior to the issue of the first Occupation Certificate for warehousing <u>in excess of 100,000m²</u> .	By December 2022
Moorebank Avenue / Heathcote Road intersection	<ul style="list-style-type: none"> As strategically described for intersection I-5 Moorebank/Heathcote Road (page 76, MPE Stage 2 EIS Operational Traffic and Transport Impact Assessment) Heathcote Road bus jump lane must be retained or a bus lane of equivalent length replaced by the applicant. Indicative layout to be provided by Applicant, subject to design development and approval by RMS 	To be obtained prior to the issue of the first Occupation Certificate for warehousing <u>in excess of 100,000m²</u> .	By December 2022
Moorebank Avenue Upgrade, being the upgrade of Moorebank Avenue to four lanes between Anzac Avenue and the IMEX Terminal Main access point	<ul style="list-style-type: none"> Indicative layout to be provided by Applicant, subject to design development and approval by RMS, and incorporating a bicycle/pedestrian share lane. 	To be obtained within 12 months of the date of this consent, or p- Prior to the issue of the first Occupation Certificate for warehousing <u>in excess of 100,000m²</u> . whichever is the sooner	Prior to issue of an Occupation Certificate for warehousing in excess of 100,000m² of gross floor area Within 24 months of 100% detailed design approval by RMS, unless otherwise agreed by the Secretary of Transport for NSW.

Council Comment:

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. We therefore do not support this requested condition amendment. Council is also not party to the Planning Agreement between Qube and the RMS.

Modification of Condition B104 *Biodiversity*

This condition requires the retiring of Biodiversity credits in accordance with the NSW *Biodiversity Offsets Policy* and specifies the required number of credits required.

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 Office of Environment and Heritage (OEH). The change in methodology has effected 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 EIS advises that the revised credit calculation methodology requires the impact and credit requirements for *Hibbertia puberula subsp. puberula* to be provided as an area (in hectares), as opposed to a count of individuals, as stipulated by the original methodology.

Additionally, the proposed modification seeks to correct the species count of impacted individuals for Nodding Geebung (*Persoonia nutans*) from the nominated 12 to the recorded 20, which is correctly reflected in the identified credits required.

Species	Impacted individuals	Credits required
Nodding Geebung (<i>Persoonia nutans</i>)	12 <u>20</u>	924
<i>Hibbertia puberula subsp. puberula</i>	4400 <u>2.49 ha</u>	4400 <u>101</u>
Small-flower Grevillea (<i>Grevillea parviflora subsp. parviflora</i>)	79	1106

Council comment:

Council seek clarification as to how the proposed credits have been calculated, particularly with reference to the *Hibbertia* credits dropping significantly from 4,400 credits to 101, along with a doubling of the *Nodding Geebung*, no associated amendment to the credits required.

We understand that under the new NSW *Biodiversity Conservation Act 2016* Biodiversity Offset Scheme, offset requirements for impacted threatened flora are calculated from the impacted 'area' not 'individuals'. Only the *Hibbertia* credits have been calculated using this system.

For flora species where the unit of measure is a count of individuals, according to the Threatened Biodiversity Data Collection, the targeted survey is used to provide a count, or an estimation, of the number of individual plants on the subject land. The species polygon is used to show the location of individual plants present on the subject land. The species polygon is to be established by the location of the individual plant or group of plants, and a **30m buffer** area around the outside of the individual plant or group of plants. Council seeks clarification of whether the buffer area was included in the calculations and to view the ecological report.

Modification of Condition B141(f) The urban Design and Landscape Plan

Condition B141(f) requires the preparation of a Signage Sub Plan as part of the Urban Design and Landscape Plan. B141(f) specifically requires:

“(f) Signage Sub Plan to assist in the management of individual building, wayfinding and common directory signage associated with the development. The Plan must be prepared by a suitably experienced and qualified person(s) and submitted to the Secretary for approval.

The Plan must detail the design, illumination, construction, timing and responsibility for the delivery and maintenance of individual building and common directory signage and take into account the following considerations:

- i. of wayfinding signage for internal streets to individual buildings and loading docks;*
 - ii. individual building signage integration within building forms no higher than 3m above the finished ground;*
 - iii. no general advertising;*
 - iv. no form of moving or flashing signs;*
 - v. no east or south facing illuminated building signage;*
 - vi. details of the location and specifications of the common directory board;*
 - vii. signs are to display corporate logos and company names and must not occupy more than 10% of*
 - i. any façade or wall of building; and*
 - viii. internally illuminated signs are not permitted.*
- The approved common directory board and wayfaring signs plan must be implemented prior to the occupation of the warehouse and freight village.”*

The Application seeks to:

- Delete B141(f) (ii)
- Revision of Condition B141(f)(v) to read:
“no east or south facing illuminated building signage on building facades with a frontage immediately adjacent the eastern or southern Site boundary”
- Revision of Condition B141(f)(viii) to read:
“internally illuminated signs are not permitted except where the lighting of signage satisfies the requirements outlined in Condition 141(b)”

The justification provided in the EIS states that these modifications are required to:

- provide for clearly visible building identification within the precinct for the safe and efficient movement of users and visitors,
- enable the development to proceed in a reasonable and feasible manner,
- give effect to the intent of design included as part of the MPE Stage 2 SSD application, and
- remove inconsistency and conflict within the consent between submitted documents and the conditions and between the conditions themselves.

Council comments:

Deletion of Condition B141(f) (ii) – Council accepts that the 3m height limit is onerous and notes from the submitted elevations 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. In this regard, Council requests that a visual impact assessment of the vertical signage on the Freight Village be undertaken.

Revision of Condition B141(f)(v) – Council have reviewed the submitted plans and elevations and are satisfied with this proposed modification as all illuminated signage appears to be oriented towards the internal areas of the site or screened by vegetation with the possible exception of the Freight Village signage.

Revision of Condition B141(f)(viii) – Similarly, Council raises no objection provided a visual impact assessment is undertaken of the vertical signage on the Freight Village.

General referencing Modifications to Conditions of Consent

The Application seeks modification of a number of other conditions to correct what are seen by them as inconsistencies.

Council comments:

Council has reviewed the requested 'referencing amendments' and provided comments in the table below.

Condition	Current wording	Proposed Wording	Council comment
A22 Development Layout Plans and Design Plans	<i>Prior to construction, the Applicant must prepare amended Development Layout Plans and Design Plans to the satisfaction of the Secretary which achieve the improvements and revisions referred to in conditions B140 and B141, including integration of Water Sensitive Urban Design (WSUD) and landscape design.</i>	<i>Prior to construction, the Applicant must prepare amended Development Layout Plans and Design Plans to the satisfaction of the Secretary which achieve the improvements and revisions referred to in conditions B139 and B140 and B144, including integration of Water Sensitive Urban Design (WSUD) and landscape design.</i>	Do not support B141 does refer to Design plans so should not be deleted. Agree B139 should be referenced in Condition 22.
B34(e) Soil and Water Management Plan	<i>(e) an Erosion and Sediment Control Plan (see condition B40)</i>	<i>(e) an Erosion and Sediment Control Plan (see condition B40 B39)</i>	Support
B45 Stormwater Infrastructure Operation and Maintenance Plan	<i>The Stormwater Monitoring Program must: (a) assess water quality and quantity performance for</i>	<i>The Stormwater Monitoring Program must: (a) assess water quality and quantity performance</i>	Do not support No change required. As required, the assessment of the pre-construction, during construction and

	<i>construction discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and (b) Include sampling locations and the frequency of sampling including wet weather sampling.</i>	<i>for construction operation discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and (b) Include sampling locations and the frequency of sampling including wet weather sampling.</i>	operational stages stormwater must be monitored as required by current conditions B43 and B45. this is specified in the "Blue Book" <i>Managing Urban Stormwater</i>
B92 Heritage Management Plan B99 Discovery of Human remains or Aboriginal objects or places B139(d)(iii) Urban Heat Island Mitigation Strategy B140(l) Urban Design Landscape Plan (UDLP)			Support all requested modifications as incorrect references
B140(o) UDLP	<i>details of where and how Recommendations from the Flora and Fauna Management Plan for adjoining offset area (condition B108) have been incorporated into the UDLP.</i>	<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>	Do not support B108 should stay and B110 & B111 added
C9(c) Audit	<i>the submission of an audit under condition C18</i>	<i>the submission of an audit report under condition C18 C19</i>	Support
C23 Environmental Representative (ER)	<i>Construction must not commence until an ER nominated under C24 has been approved by the Secretary.</i>	<i>Construction must not commence until an ER nominated under C24 C22 has been approved by the Secretary.</i>	Support

Council would welcome further discussion with the Applicant, consultant team and the Department on the matters raised above at your convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Smith', with a stylized flourish at the end.

David Smith
Manager Planning and Transport Strategy