

Heather Nelson
NSW Department of Planning & Environment
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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,

Council writes in response to the Draft Planning Agreement (draft PA) between the Applicant and the RMS that is relied on by the applicant to justify changes to the timing of required improvement works to the surrounding regional and local road network. This submission is in addition to our recent letter of 6 February 2019 which provided Council's comments on all other aspects of the Mod 1 Application and our letter of 5 December 2018 regarding the Draft PA.

Firstly we note that the Draft PA only relates to obligations in respect of the Western SIMTA precinct, whereas the current Mod Application relates only to the Eastern Precinct (SSD 7628).

Specifically the Planning Agreement identifies the land to which it relates as follows:

"Description of the Subject Land

The Planning Agreement applies to the Moorebank Intermodal Precinct West Land listed in Table 2 of Schedule 2 to the Planning Agreement (Subject Land). The Subject Land falls within the Moorebank Intermodal Terminal precinct."

With regard to timing the Draft PA States:

"Whether the Planning Agreement confirms with RMS' capital works program (if any) Not applicable."

SSD 7628 only relates to works on the Eastern Precinct that are not bound by the conditions of the Draft PA. That consent contains triggers for road works that are contained in Condition B13 that are requested to be modified in the current Mod Application.

Specifically, the Applicant's justification is that the timing of works should align with the timing and intended implementation of the Draft Voluntary Planning Agreement which states: "Works in Kind and dedication of the Moorebank Avenue Realignment or Moorebank Avenue South Upgrade "by 31 December 2021, or such other date agreed by RMS".

The Draft PA contains triggers for the payment of contributions and works in kind that only relate to works on the Western Precinct with timings at the discretion of the RMS.

The timing is therefore open ended and not binding on the works on the Eastern Precinct.

Presumably the triggers for the design and construction of required roadworks works in the SSD 7628 consent were included to cater for the additional traffic generated at the certain points in the development process.

Council appreciates that the works may have been delayed by the approval processes. However, we reiterate that the lack of any detailed plans for the required works and when they would be required on traffic impact grounds is of significant concern. We note that the originally submitted Traffic and Transport Access Impact Assessment only dealt with the 2031 completed development and did not clearly state at which points in the construction of the two precincts the additional roadworks were warranted. That is, it did not include short, medium and long term required road upgrades.

As stated in our previous letter of 5 December 2018, Council has concerns with the lack of detail in the Draft PA regarding the required Moorebank Avenue realignment, which will change the access arrangements to both the approved MPE & MPW concept plans and staging developments, as the approved plans show that the access(s) will be via the proposed traffic signals along the existing Moorebank Avenue. Accordingly Council request that a revised access arrangement and internal road layout with the realigned Moorebank Avenue should be submitted to Council for review.

A section of Moorebank Avenue is currently a private road to be dedicated to the RMS. However, the draft PA does not provide details of road classification, land ownership and on-going maintenance responsibility of the realigned road.

It is also unclear how the realigned Moorebank Avenue will connect to Moorebank Avenue South and Cambridge Avenue including railway bridge crossing(s). The existing Moorebank Avenue carries significant traffic in both AM and PM peaks (over 1,400 vehicles/hour in both directions). The realigned Moorebank Avenue needs to connect to Cambridge Avenue. A design layout needs to be included in the current (Western Precinct) Draft PA and required Eastern Precinct Planning Agreement.

In its submission to the DP&E, Council pointed out that Moorebank Avenue, south to the M5 would attract significant traffic movements including heavy vehicles. It is currently functioning as a regional road. With the MIT developments, it will function as an important freight route and shall be classified as a state road for the RMS to be responsible for on-going maintenance between property boundaries. This classification needs to be included in the current (Western Precinct) Draft PA and required Eastern Precinct Planning Agreement.

Details from the very conceptual plan attached to the Draft PA are unclear, with Council remaining concerned about the potential noise and environmental impacts of the proposed Moorebank Avenue realignment located much closer to the existing residential areas compared to the existing alignment. The realignment will also result in a significant number of trees to be removed. Accordingly, Council again request that an Environmental Impact Assessment Report of the likely impacts of the proposed realignment be prepared and submitted to Council for approval.

As stated in our earlier letter, Council believes that the \$15 million security bond for the Moorebank Avenue realignment is underestimated and request that a detailed

construction cost estimate be provided for Council review, with this attached to the current (Western Precinct) Draft PA and required Eastern Precinct Planning Agreement.

In this regard, it is again requested that Council become signatories to the current (Western Precinct) Draft PA and required Eastern Precinct Planning Agreement.

In summary, the current Draft PA required works are not binding on the Eastern Precinct works (SSD 7628). The timing of these works are at the discretion of the RMS, with no detailed plans or environmental impact assessments available for Council to assess their impacts in any informed manner. Only timing triggers for the Western Precinct regional roadworks are included in the Draft PA.

Accordingly, Council request that a separate or Addendum Planning Agreement be prepared for Council review covering the Eastern Precinct that includes:

- 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 supporting traffic impact assessment;
- Council as a signatory.

Should you require any further information on this matter, please contact the undersigned. We welcome further discussion with the Applicant and the Department at your convenience.

Yours sincerely

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

David Smith

Manager Planning and Transport Strategy