



DOC21/485286

15 June 2021

Mr Nathan Heath  
Senior Planning Officer  
Infrastructure Assessments  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Email [nathan.heath@planning.nsw.gov.au](mailto:nathan.heath@planning.nsw.gov.au)

Dear Nathan

**Moorebank Intermodal Precinct West – Stage 2  
Mod 2 – Adjustment to Construction Related Conditions (SSD 7709 Mod 2)  
EPA Advice on Modification**

Thank you for your invitation to provide comments on the second modification (Mod 2) for the above State Significant Development (SSD) proposal. The NSW Environment Protection Authority (EPA) understands that Mod 2 proposes modifications to a number of conditions however the EPA's comments relate to the proposed modification to condition B135(g) for the Out of Hours Work Protocol.

Condition B135(g) states that the Construction Noise and Vibration Management Plan (CNVMP) must include an Out-of-hours Work Protocol (OOHWP) for the assessment, management and approval of works associated with the Moorebank Avenue/Anzac Road upgrade, the delivery of the rail link connection, and works required to be undertaken during rail corridor possessions, outside of the hours identified in Condition B125 or outside the circumstances specified under condition B127.

The amendment to Condition B135(g) proposes to remove the three activities (the road upgrade, the rail link connections and during the rail possessions) and thus state that an OOHWP may apply to any out of hours works on the Moorebank Intermodal Precinct West (MPW) Stage 2 site.

The justification for the proposed amendment is provided on pages 17 and 18 of the Mod 2 report and relates to improved efficiency for construction and consistency with the MPE approval.

**The EPA does not consider that the justification provided in the Mod 2 report is sufficient to provide a blanket allowance for any works to occur outside standard hours with an OOHWP.**

In its submission to the EIS for MPW Stage 2 (dated 25 November 2016, Ref: DOC16/544160), the EPA also raised concerns regarding the lack of justification for proposed out of hours works, including the importation of fill, material delivery and direct placement or stockpiling.

The EPA notes Clause 81 of the Independent Planning Commission's (IPC) *'Statement of Reasons for Decision'* on MPW Stage 2 (SSD 7709) dated 11 November 2019 states that it is important to set clear limits on construction hours, and that while extended construction hours were proposed for the importation of fill, the Department accepts the recommendation that construction take place within

standard hours. It also states that approval could be given to out of hours works in accordance with a protocol approved as part of a CNVMP if further justification is developed at a later time.

Clause 91 of the IPC Statement also raises concerns regarding the potential traffic noise impacts from out of hours construction works. It states that additional information and justification is required as part of the Construction Traffic and Access Plans before an extension to hours can be considered.

The IPC's consideration of noise impacts states in Clause 180 that "*the Department has taken a precautionary and appropriate approach in the proposed conditions of consent... This includes limited hours of construction 'as further justification is needed for extended hours'*".

The information provided in the Mod 2 report does not provide further information on the need for all activities to potentially be conducted out of hours (subject to an OOHWP), nor the potential impact and management of that impact from the activities. As such, the EPA does not consider that the justification provided on pages 17 and 18 of the modification report is sufficient to protect the amenity of residents from noise impacts from out of hours works on the MPW Stage 2 site. **The EPA does not support the proposed change to Condition B135(g).**

Should you wish to discuss any of the matters raised, please contact Anna Timbrell on 9274 6345 or email [anna.timbrell@epa.nsw.gov.au](mailto:anna.timbrell@epa.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'e Watson'.

15 June 2021

**ELIZABETH WATSON**  
A/ Unit Head  
Regulatory Operations – Metro West