

Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Sent by email: nathan.heath@planning.nsw.gov.au

**Re: Moorebank Precinct West Stage 3 (SSD-10431) – Liverpool City Council
Objection**

Dear Mr Heath,

Liverpool City Council was invited to comment on the Moorebank Intermodal West Stage 3 (MPW Stage 3) State Significant Development Application (SSD-10431). It is noted that Council previously submitted advice regarding the request for Secretary's Environmental Assessment Requirements (SEARs). That advice is attached for your information and forms part of this submission.

The proposed development comprises the following components:

- Establishment of a construction compound in the southern portion of the MPW site to facilitate site development works for MPW Stage 2 and 3 and future stages of the MPW development;
- Progressive subdivision of the MPW site into nine (9) allotments; and
- Ancillary works including access roads, earthworks, utilities installation/connection, stormwater and drainage infrastructure, signage and landscaping.

Council objects to this development application, particularly the proposed subdivision and resulting non-compliance with Clause 4.1 of the Liverpool Local Environmental Plan 2008.

Proposed Subdivision

The MPW Stage 3 proposal includes the progressive subdivision of the site into nine (9) allotments. This proposed subdivision will result in a significant non-compliance with Clause 4.1 of the Liverpool Local Environmental Plan 2008 (LEP) in the order of 11,987.72%, or a 107.72ha shortfall in the minimum required lot size. It is noted that Council provided a detailed response on the applicant's request for SEARs detailing concerns regarding this contravention of the development standard.

Council has the following concerns with the application and the Clause 4.6 Variation Request:

- Objective 1(c) in Clause 4.1 Minimum subdivision lot size seeks to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisaged for particular locations. The existing

120ha minimum lot size control was established when the site was rezoned for an intermodal development in order that a holistic approach is undertaken for the construction, operation and management of an intermodal across the entire precinct. The rezoning of the site was not intended to facilitate development of an industrial estate, rather an intermodal development

- The application states that the lot layout design will be “characteristic of similar nearby industrial areas. As stated above, the intermodal development is not an industrial park or estate but instead a holistic intermodal freight terminal.
- The applicant’s response/justification to Clause 4.6(1b) states the following:

“Should the development proceed without subdivision, as per the SSD 10431 application, it will create a development that requires management and operation that is consistent with the MPE site, which would have adverse outcomes on the performance of the precinct as a whole.”

Council notes that MPW should be managed and operated consistently in a similar manner to the MPE site, and that compliance with the minimum lot size control would improve the operation and management of the precinct as a whole.

- The applicant’s response/justification to Clause 4.6(3a) states that “*exception to the existing development standard would facilitate subdivision of the MPW site as envisaged and approved*”. This directly contravenes Condition E26(a) of the Concept Approval SSD 5066 MOD 1.
- The applicant’s response/justification to Clause 4.6(5b) states that “*there is no public benefit to maintaining the development standard, thereby prohibiting subdivision of the MPW site, in this case.*” Council reiterates its concern that the proposed contravention of the minimum lot size will compromise the coordinated and holistic operation and management of MPW.

Traffic Comments

The construction of the compound and subdivision is not expected to generate significant traffic movements. However, the importation of fill would require haulage vehicles on the local road network. Appropriate construction traffic management will be required.

In addition, Council has objected to the Moorebank terminals development for a number of reasons, including traffic and transport impacts on the road network in the Liverpool Local Government Area and has consistently requested that improvement works should be carried out to minimise these impacts.

A Voluntary Planning Agreement (VPA) has been signed with Transport for NSW (TfNSW) for a contribution to be paid for improvement works on the arterial road network. A contribution scheme for improvements on the local road network has so far not been adequately addressed and needs to be raised again.

If despite Council’s objection, this application is approved, traffic related conditions have been included in Appendix A.

Engineering

LCC notes that many of the engineering comments provided for the various MPW applications have not been adequately addressed. For MPW Stage 3, general engineering advice is provided at Appendix B.

Should you require additional information on this matter, please contact Luke Oste, Executive Planner on 8711 7886 or oste@liverpool.nsw.gov.au.

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

Appendix A – Traffic Conditions

Prior to Issue of Construction Certificate

1. As the Moorebank and Anzac Road intersection will be used during construction and provide access to the proposed subdivided lots, detailed design of Moorebank Avenue / Anzac Road and proposed new access road intersection upgrade and associated intersection performance analysis and turning path shall be submitted to Council and TfNSW for approval.
2. Detailed design information indicating the layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, A52890.6-2009 and AS 2890.2 — 2002 for heavy vehicle usage.
3. A Construction Traffic Management Plan (CTMP) prepared by a qualified traffic and transport practitioner detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
4. A community communication strategy must be prepared in accordance with Condition A31 of Development Consent (SSD 7709) and submitted to Council for comment.

Prior to works commencing

Road Occupancy with Traffic Control Plan

5. Prior to commencement of any works within the public road reservation, a Road Occupancy (ROC) is to be submitted to Council's Traffic and Transport Section or Transport Management Centre (TMC) for any works within the public road reserve.
6. The ROC or Road Occupancy Licence (ROL) is to include a Traffic Control Plan including details for vehicular and pedestrian movements, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller, and submitted to Council and the PCA for approval.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

During Construction

Hours of Construction Work and Deliveries

7. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.
8. All haulage routes for construction vehicles shall be via Moorebank Avenue and the M5 Motorway.

9. The proponent should consult Council for any activity that might impact on traffic flows along Moorebank Avenue.
10. The existing construction access road on Lot 8 via the intersection of Moorebank Avenue and Chatham Avenue shall be maintained until such a time when the upgrade of Moorebank Avenue and Anzac Road intersection and the north-south access road is completed.

Traffic Management

11. All works within the road reserve are to be at the applicant's cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Delineation Guideline.

If a works zone is required, an application must be made to Council's Traffic and Transport Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.

Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

12. Applications must be made to Council's Traffic and Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

Prior to the issue of any Subdivision Certificate

13. The Applicant must prepare a specific Workplace Travel Plan (WTP) and submit it to Council for comment. The Workplace Travel Plan must be developed in consultation with TfNSW and Council, which outlines measures and facilities to promote the use of public and active transport modes.

The plan must:

- a) Be prepared by a suitably qualified traffic consultant in consultation with Transport for NSW (TfNSW) and Council;
- b) Include specific actions and incentives, such as car pool, shuttle bus service and provision of cycling and pedestrian facilities, to increase use of public and active transport modes;
- c) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the WTP; and
- d) include details regarding the methodology and monitoring / review program to measure the effectiveness of the objectives and mode share targets of the WTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users.

14. All approved road works are to be completed to the satisfaction the Principal Certifying Authority (PCA).

Conditions Relating to Use

15. The warehousing and distribution facilities must only be used for activities associated with freight using the either the MPE or MPW rail intermodal terminal.

16. Travel surveys and an evaluation report for the implementation of Work Travel Plan should be submitted to Council one year after the operation of the proposed warehousing facilities.

Appendix B – Engineering Comments

1. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

2. Prior to the issue of a Construction Certificate for subdivision works, detailed engineering plans for the subdivision works shall be submitted to the Principal Certifying Authority for approval. Engineering plans shall be designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- Public and private roads
- Stormwater drainage including water quantity and quality treatment measures
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flow paths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works
- All works required for conversion of the proposed sediment basin to a bio retention function
- All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

3. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

4. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

5. All earthworks shall be undertaken in accordance with AS3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

6. Prior to the issue of a Subdivision Certificate or an Occupation Certificate (*whichever comes first*) the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Flood control works
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

7. Prior to the issue of a Subdivision Certificate or an Occupation Certificate (*whichever comes first*) a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Flood control works

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

8. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in DWG format and PDF format to Council along with two hard copies of the WAE plans.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).

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- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
 - d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
 - e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
 - f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
 - g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Statement of Compliance
 - h) Structural Engineer's construction certification of all structures.
9. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument if required.
10. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.
- 11.
- a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.
- Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment.
- b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
 - c) Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.
12. Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

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PARRAMATTA NSW 2124

Sent by email: nathan.heath@planning.nsw.gov.au

Re: Moorebank Precinct West Stage 3 – Liverpool City Council Advice on SEAR's

Dear Mr Heath,

Liverpool City Council (Council) has received a request to provide advice on a recently lodged State Significant Development (SSD-10431). The Department of Planning, Industry and Environment (DPIE) has received a request for Secretary's Environmental Assessment Requirements (SEARs) for the Moorebank Intermodal Precinct West (MPW) - Stage 3. The proposed development is a State Significant Development under the Environmental Planning and Assessment Act 1979.

The proposed development comprises the following components:

- Establishment of a construction compound in the southern portion of the MPW site to facilitate site development works for MPW Stage 2 and 3 and future stages of the MPW development;
- Progressive subdivision of the MPW site into nine (9) allotments; and
- Ancillary works including access roads, earthworks, utilities installation/connection, stormwater and drainage infrastructure, signage and landscaping.

Subdivision

The proposed Moorebank Precinct West Stage 3 includes intentions that the proposal site would be progressively subdivided as part of this application into nine (9) new allotments. A plan of the proposed subdivision lot layout is provided in the extract provided in Figure 1 below. Table 4-2 within the Environmental Impact Statement Scoping Report (the Report) provides details regarding the proposed lot sizes and

descriptions.

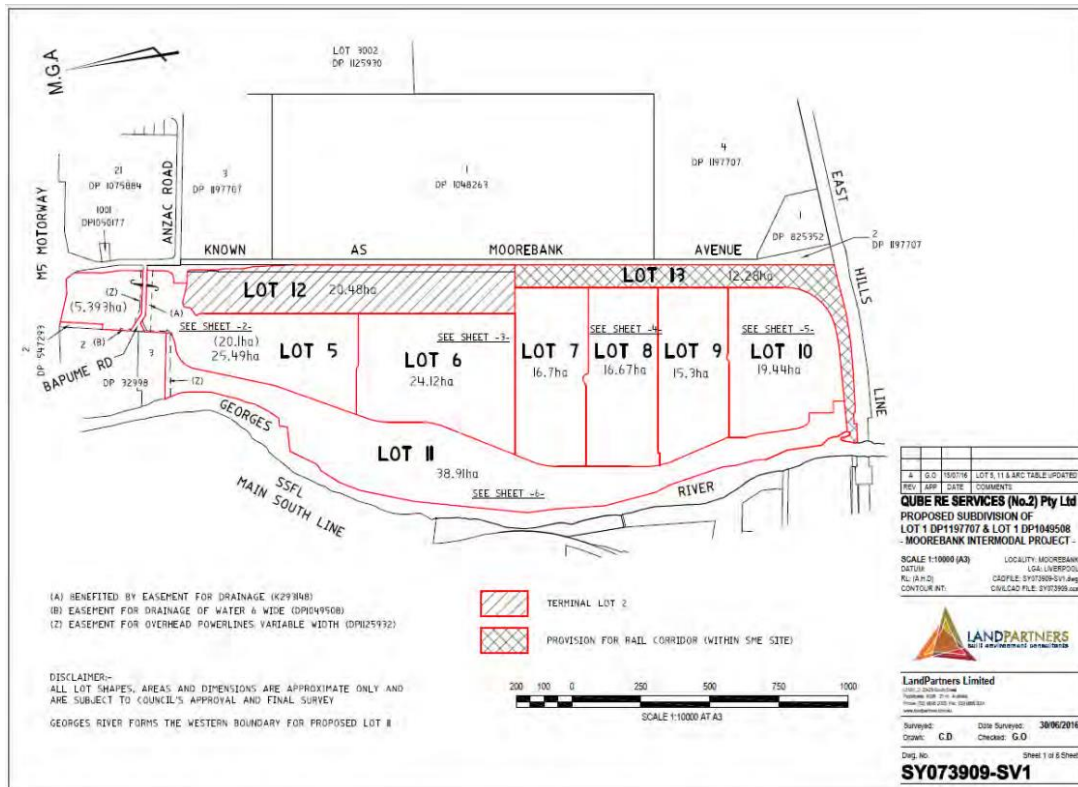


Figure 1 - Proposed Subdivision Plan MPW Stage 3

The Liverpool Local Environmental Plan 2008 (LEP) requires a minimum lot size of 120 ha across the MPW site under Clause 4.1 minimum subdivision lot size. It is noted that within the Report, attention is drawn to Section 4.38(3) of the EP&A Act which states the following:

3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.

It is acknowledged that a partly prohibited development may be granted consent. The relevance of this clause to this matter is questionable however, given that the Clause 4.1 within the Liverpool LEP is a development standard and not a prohibition.

Nonetheless, the proposed subdivision will result in a contravention of a development standard in the order of 11,987.72%, or a 107.72ha shortfall in lot size. This is an enormous variation to the existing development standard, and Council does not see this as a partial non-compliance.

Council and the community have previously raised concerns regarding the possibility of sites being sold off within the broader Moorebank Intermodal development. Furthermore, DPIE have raised concerns that have been acknowledged by the IPC regarding the management and maintenance for the entire precinct. Consequently, Condition E26a) was put in place for the Concept Approval SSD 5066 MOD 1 which states:

Subdivision

E26. Any future Development Application for subdivision must:

- 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.*

Given the points and concerns outlined, Council is not supportive of the proposed subdivision included within the Moorebank Precinct West Stage 3 application. If such a lot configuration is to be pursued, this would ordinarily be considered through a planning proposal to ensure such a variation to a development standard has site and strategic merit. This planning proposal should include an Economic Impact Statement that identifies the potential ramification such a proposal would have on surrounding industrial land within Liverpool.

Council requests that a concurrent planning proposal be lodged to ensure an appropriate assessment of the potential impacts is undertaken with regard to the proposed subdivision of the MPW development site.

Holistic Approach

Within the Report, the following is outlined regarding the submission of an SSD for MPW Stage 3:

“Where additional environmental impacts are identified, the previous assessment will be reviewed and updates to the technical specialist reports completed. It is anticipated that the following key issues may require further review to support the Proposal and EIS:

- Traffic and Transport;*
- Noise and Vibration;*
- Visual Amenity, Urban Design and Landscaping; and*
- An update to stormwater plans.*

The EIS for the Proposal will provide a review of other general environmental issues that are deemed relevant.”

Council has consistently stressed the need for a holistic investigation approach to be undertaken with regard to the potential impacts caused by the combined development

proposals across MPE and MPW. Council and its community have consistently raised significant concerns about the scale of impacts associated with the project. The consideration of cumulative impacts must be undertaken to gain a clear understanding of the potential impacts of both projects on the Liverpool community and Council assets. Therefore, with regard to new and updated technical specialist reports, Council stresses the need for cumulative impacts to be assessed, and holistic mitigation measures to be employed.

Pedestrian Access

Council has previously outlined concerns regarding access to the site, and sought pedestrian access from Casula Train Station. A pedestrian and cycling bridge that links MPW and MPE to the Casula Train Station and existing Georges River cycling path would provide significant amenity to future workers within the Moorebank Intermodal development, visitors to the area and surrounding residents. Council is eager for this to facilitate active transport opportunities, as well as improve access to the amenity of the Georges River.

If you have any further enquiries in relation to the above, please contact Luke Oste, Acting Executive Planner on 8711 7886.

Regards,

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

David Smith

Acting Director City Economy & Growth