



Planning Report

Section 4.55(2) Modification to SSD 5066 – Proposed Concept Proposal and Early Works for Intermodal Facility

Moorebank Avenue, Moorebank
(Lot 1 DP 1197707)

Prepared by Willowtree Planning Pty Ltd on behalf
of Sydney Intermodal Terminal Alliance (SIMTA)

July 2020

Section 4.55(2) – SSD 5066 (MOD 2)

Proposed Concept Proposal and Early Works for Intermodal Facility
Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Document Control Table

Document Reference:	Ref: WTJ19-513		
Date	Version	Author	Checked By
20/12/2019	1	T. Lythall	C. Wilson
23/04/2020	2	T. Lythall	C. Wilson
23/06/2020	3	T. Lythall	C. Wilson
24/06/2020	4	T. Lythall	C. Wilson
21/07/2020	5	T. Lythall	C. Wilson

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PART A PRELIMINARY

1.1 INTRODUCTION

Willowtree Planning Pty Ltd (Willowtree Planning) has prepared this Planning Report on behalf of Sydney Intermodal Terminal Alliance (SIMTA) to support a modification to SSD 5066, to be submitted to the NSW Department of Planning, Industry and Environment (DPIE), to determine under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Approval to State Significant Development (SSD) Application 5066 was granted by the Minister for Planning on 3 June 2016 for a Concept Proposal for the use of the Site as an Intermodal Facility; and Early Works (Stage 1) across the Subject Site, which comprised of the following development particulars:

- **Concept Proposal:** The Concept involves the use of the Site as an intermodal facility, including a rail link to the Southern Sydney Freight Line, warehouse and distribution facilities, and associated works.
- **Early Works (Stage 1):** Involves the demolition of buildings, including services termination and diversion; rehabilitation of the excavation / earthmoving training area; remediation of contaminated land; removal of underground storage tanks; heritage impact remediation works; and the establishment of construction facilities and access, including site security.

This Modification Application represents the **second** Modification Application with respect to SSD 5066, which seeks Development Consent for the following:

- Amendment to the Concept Plan originally approved, via means of adjustment to the internal Moorebank Precinct West (MPW) Stage 2 operational boundaries for warehouse areas; and
- Amendment to the maximum building height established across Warehouse areas 5 & 6, for the Subject Site from approximately 21 m up to and including 45 m.

Accordingly, the findings of this Planning Report identify that the proposed modifications can be accommodated without generating impacts that are considered unacceptable, in line with the relevant legislation applicable to the Subject Site. Furthermore, the proposed modifications to the Concept Proposal approved under SSD 5066 would remain consistent with the objectives outlined with the *Liverpool Local Environmental Plan 2008* (LLEP2008); *A Metropolis of Three Cities – Greater Sydney Region Plan*; the *Western City District Plan*; and remains consistent with the principles of Ecologically Sustainable Development (ESD), as part of the overall vision for the Site.

Based on the findings of this Planning Report, the modifications sought continue to support the future development of a State-of-the-Art Intermodal Facility, providing further employment-generating opportunities in the immediate locality, as well as the wider locale of the Sydney Metropolitan Region, particularly Western Sydney. Accordingly, the proposed modifications would constitute substantially the same development as originally approved under SSD 5066.

It is noted, that the amendments sought have been assessed against the Development Consent pertaining to SSD 5066 (as modified) throughout this Modification Application. As such, it is recommended, that the proposed modifications sought be supported by the NSW DPIE as being substantially and materially the same development.

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PART B SITE ANALYSIS

2.1 SITE LOCATION & EXISTING SITE CHARACTERISTICS

The identified land portion that is the subject of this Modification Application is legally defined as Moorebank Avenue, Moorebank. The Subject Site comprises one (1) allotment, as described in **Table 1** below.

Table 1: Site Identification	
Street Address	Legal Description
Moorebank Avenue, Moorebank	Lot 1 DP 1197707

The Subject Site comprises a total site area of approximately 220 ha (Moorebank Logistics Park) and is subject to applicable provisions outlined within the LLEP2008. Access to the Site is currently obtained via Moorebank Avenue along the eastern perimeter of the Subject Site, which contains entry / exit points along the street interface, as well as being accompanied by turning loops within the identified land portion that would control traffic volumes accordingly.

The Site is situated approximately 28.20 km southwest of the Sydney CBD, 17.96 km south of Parramatta and 3.18 km south of Liverpool. It is within close proximity to transport infrastructure routes (including the bus and rail networks) along Moorebank Avenue and close by to both Casula and Liverpool Stations (maximum of 3 km), as well as sharing direct links within the wider regional road network, including Moorebank Avenue, the M5 Motorway, Hume Highway and Heathcote Road. All of which provide enhanced connectivity to the Subject Site and immediate vicinity, as well as the wider locality. Additionally, the Subject Site is located within close proximity to active transport links, such as bicycle routes, providing an additional mode of accessible transport available to the Subject Site.

In its existing state, the Subject Site comprises an existing Industrial Estate / Logistics Park and is surrounded by similar industrial-related developments. Land surrounding the Site comprises the following zoning categories, including:

- IN1 General Industrial;
- SP2 Infrastructure;
- E1 National Parks and Nature Reserves;
- E3 Environmental Management;
- RE1 Public Recreation;
- W1 Natural Waterways;
- R2 Low Density Residential; and
- R3 Medium Density Residential.

The nearest sensitive land use is within the E3 Environmental Management and W1 Natural Waterways zones, located to the west of the Subject Site. Accordingly, mitigation and protection measures would be required as part of any future development proposed, in order to preserve the amenity of the Subject Site.

The Site is subject to the provisions outlined within LLEP2008, which the primary Environmental Planning Instrument (EPI) and categorises the Site within the IN1 General Industrial and E3 Environmental Management zones, as displayed in **Figure 1** below. The Site and surrounding context are illustrated in **Figures 2 & 3** below.

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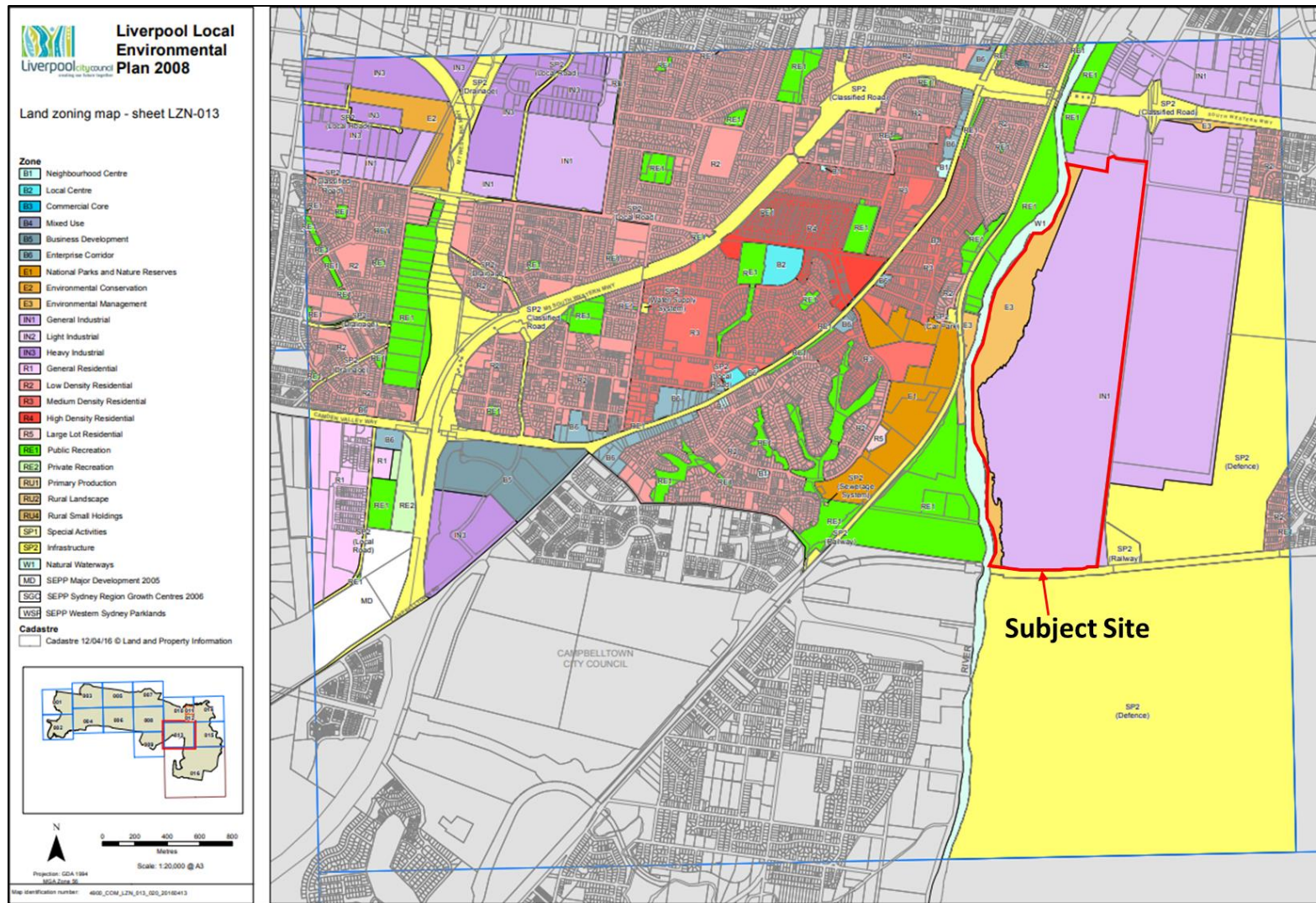


Figure 1 Land Zoning Applicable to the Subject Site under *Lane Cove Local Environmental Plan 2009* (Source: NSW Legislation, 2020)

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Figure 2 Existing Site Context and Surrounding Area (Source: NearMaps, 2020)

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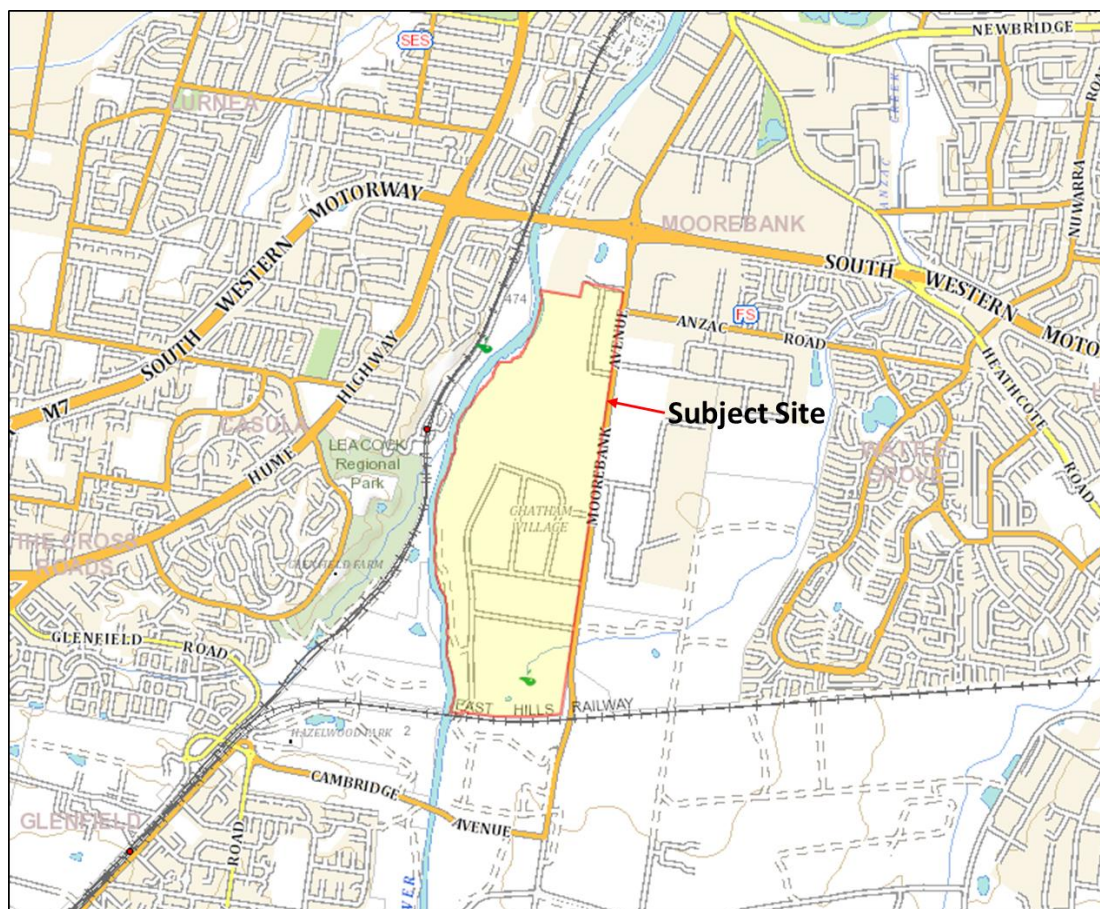


Figure 3 Cadastral Image of Subject Site and Surrounding Context (Source: SIX Maps, 2020)

2.2 LAND OWNERSHIP

The Commonwealth of Australia is the owner of the Subject Site pertaining to the land portion legally described as Lot 1 DP 1197707. Formal owner's consent for the Subject Site is located in **Appendix 11** of this Modification Application.

2.3 SITE CONTEXT

Key contextual attributes of the Subject Site are noted as follows:

- The Site is situated approximately 28.20 km southwest of the Sydney CBD, 17.96 km south of Parramatta and 3.18 km south of Liverpool.
- Moorebank Avenue adjoins the Subject Site to the east, linking to the wider Moorebank Logistics Park and the wider regional road network;
- Georges River adjoins the Site to the west, which meanders the Subject Site;
- The Subject Site is wholly located within the Liverpool LGA;
- LLEP2008 remains the primary EPI applicable to the Subject Site;
- Given the strategic location of the Subject Site being identified within the Moorebank Logistics Park, which is designated for such industrial-related uses, the proposed modifications represent a logical outcome that would provide employment-generating opportunities (with respect to future built form proposed) close to where people live and nearby to available transport infrastructure routes; and
- The surrounding regional road network is located in close proximity to the Subject Site, which includes the M5 Motorway, Moorebank Avenue, the Hume Highway and Heathcote Road, providing enhanced connectivity to the Subject Site and surrounding area.

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2.4 STRATEGIC CONTEXT

As mentioned above, the Site is included within the Land Application for the Liverpool LGA (refer to **Figure 4** below) and is zoned under LLEP2008 (refer to **Figure 1** above). The Intermodal Facility proposed under SSD 5506 responds accordingly to the strategic context and direction intended for the Subject Site and surrounding area, as it seeks to provide an advanced facility to support the growth and development of industrial warehousing, freight and logistics across the wider Sydney Metropolitan Area. Additionally, any future development on the Subject Site would seek to provide employment-generating development opportunities that would ultimately contribute to the overall growth and development of the wider Sydney Metropolitan Area, particularly Western Sydney.

In addition to the above, the Site is identified within the Western Parkland City under the *Western City District Plan* (issued by the Greater Sydney Commission (GSC), 2018) sets out for the Site its strategic planning priorities, namely:

- *Planning Priority W1 – Planning for a city supported by infrastructure;*
- *Planning Priority W7 – Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City;*
- *Planning Priority W8 – Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis;*
- *Planning Priority W9 – Growing and strengthening the metropolitan cluster;*
- *Planning Priority W10 – Maximising freight and logistics opportunities and planning and managing industrial and urban services land; and,*
- *Planning Priority W11 – Growing investment, business opportunities and jobs in strategic centres.*

The proposed modifications sought, are considered consistent and responsive to the above priorities, making a valuable contribution to the Western Parkland City, which is earmarked for development and higher and better uses with regard to the orderly and economic development of the Subject Site.

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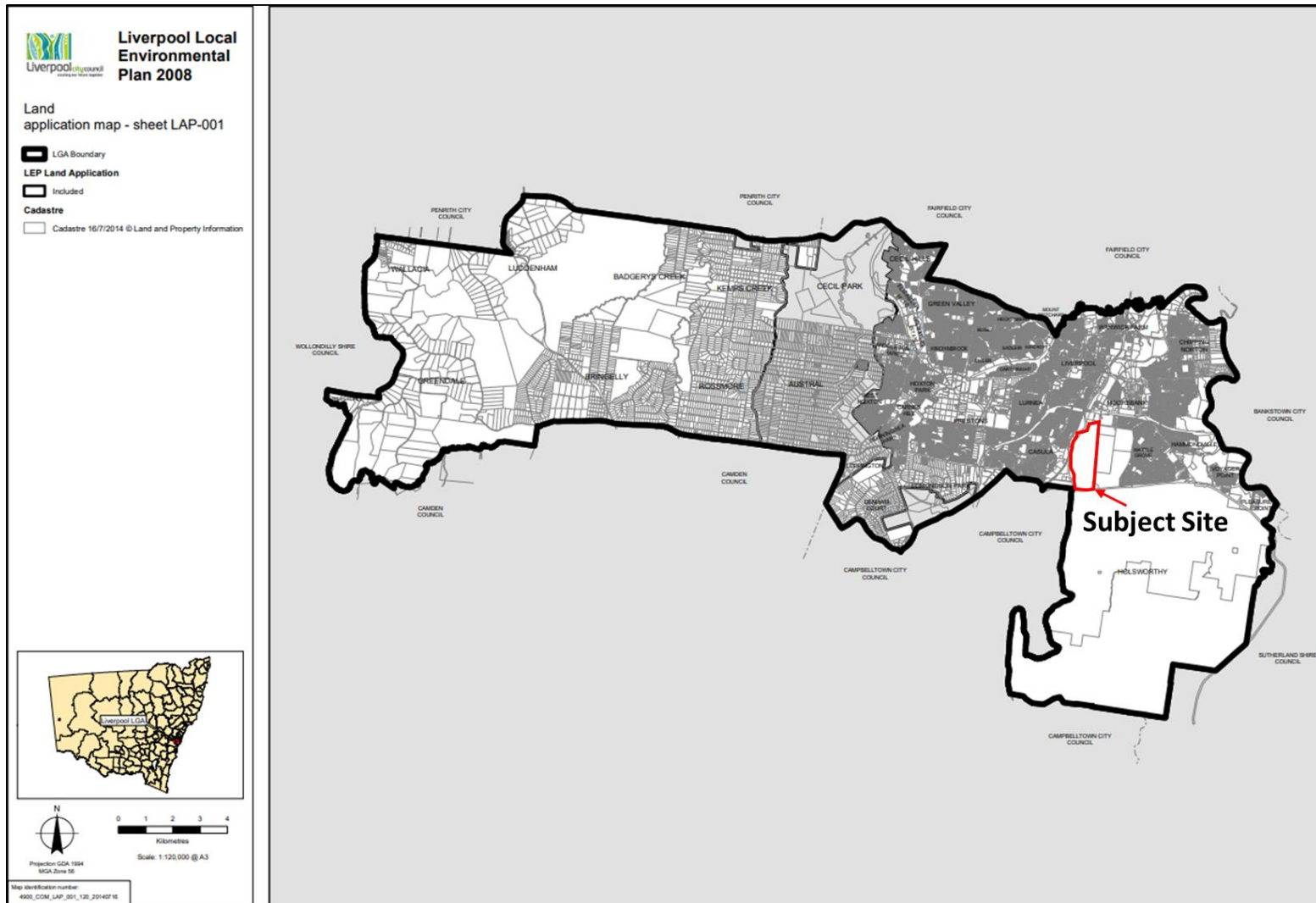


Figure 4 Land Application Under *Liverpool Local Environmental Plan 2008* (Source: NSW Legislation, 2020)

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2.5 DEVELOPMENT AND PLANNING HISTORY

As mentioned in **Section 1.1** above, approval to State Significant Development (SSD) Application 5066 was granted by the Minister for Planning on 3 June 2016 for a Concept Proposal for the use of the Site as an Intermodal Facility; and Early Works (Stage 1) across the Subject Site, which comprised of the following development particulars:

- **Concept Proposal:** The Concept involves the use of the Site as an intermodal facility, including a rail link to the Southern Sydney Freight Line, warehouse and distribution facilities, and associated works.
- **Early Works (Stage 1):** Involves the demolition of buildings, including services termination and diversion; rehabilitation of the excavation / earthmoving training area; remediation of contaminated land; removal of underground storage tanks; heritage impact remediation works; and the establishment of construction facilities and access, including site security.

Review of the Instrument of Approval (refer to **Appendix 1**) under SSD 5506 indicates there is nothing which prevents the proposed modifications identified in this Modification Application.

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PART C PROJECT SUMMARY

3.1 PROPOSED MODIFICATION OBJECTIVES

The aim of the proposed development (approved under SSD 5066) is to provide a concept approval and early works, for the purposes of an Intermodal Facility. Accordingly, the proposed modifications seek to achieve the following objectives, including:

- Appropriate access;
- Compatibility with surrounding developments and the local context;
- Promotes an employment-generating development;
- Results in minimal impact on the environment; and
- Allows for the implementation of suitable mitigation measures where required.

Additionally, the proposed modifications seek to maintain the objectives of the Concept Approval, which seeks to develop the Subject Site for an Intermodal Facility comprising a combination of freight and logistics, as well as warehousing and distribution land uses across the Site.

The proposed modifications are considered to be the best means of achieving these objectives.

3.2 DESCRIPTION OF THE PROPOSED MODIFICATIONS

This Modification Application represents the **second** Modification Application with respect to SSD 5066, which seeks Development Consent for the following:

- Amendment to the Concept Plan originally approved, via means of adjustment to the internal Moorebank Precinct West (MPW) Stage 2 operational boundaries for warehouse areas; and
- Amendment to the maximum building height established across Warehouse areas 5 & 6, for the Subject Site from approximately 21 m up to and including 45 m.

Proposed Concept Proposal: Layout and Height Amendment

The proposed modifications are made in relation to SSD 5066, which was granted by the Minister for Planning on 3 June 2016 for a Concept Proposal for the use of the Site as an Intermodal Facility; and Early Works (Stage 1) across the Subject Site at Moorebank Avenue, Moorebank (Lot 1 DP 1197707).

Accordingly, the Proposed Development would facilitate the proposed modifications of the internal Site layout and maximum building height, which were previously approved under SSD 5066 (refer to **Figure 5** below), for which the Proposed Development particulars are outlined as follows:

Table 2: State Significant Development Particulars – SSD 5066	
Project Element	Development Particular
Site Area	- Moorebank Logistics Park: 220 ha
Building Height	- 21 m approved under SSD 5066. - 45 m maximum building height proposed under this Modification Application for Warehouse areas 5 & 6.
Primary Land Use	- Freight Transport Facilities; and - Warehousing, Logistics and Industrial Facilities.
Bulk Earthworks	- All bulk earthworks have been previously approved and carried out under SSD 5066.

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Site Access	- Access to the Site would be obtained via Moorebank Avenue via the proposed entry / exit points accompanied by turning loops within the Subject Site, as approved under SSD 5066.
Infrastructure and Services	- Services to the Site are able to be successfully augmented where necessary, including potable water, electricity, gas, wastewater and telecommunications, as approved under SSD 5066.
Subdivision	- No subdivision is proposed.
Hours of Operation	- 24/7 operational basis for future built form.

The amendments proposed to the Concept Plan are in relation to the operational boundaries of MPW Stage 2, for which this Modification Application would seek to extend the operational boundaries further south to allow for an amendment in the operational footprint for future development. It is noted, that whilst an amendment to the operational footprint is sought, the objectives and particulars approved under SSD 5066 (as modified) will not be compromised, for which the proposed modifications are considered consistent and materially and substantially the same development.

The existing and revised Concept Plans are located in **Figures 5-7** overleaf and are further demonstrated in **Appendix 2** of this Modification Application. **Figure 5** articulates the Concept Plan as approved under SSD 5066 (as modified), whilst **Figure 6** recreates the Concept Plan for consistency and completeness; and **Figure 7** clearly demonstrates the modifications sought.

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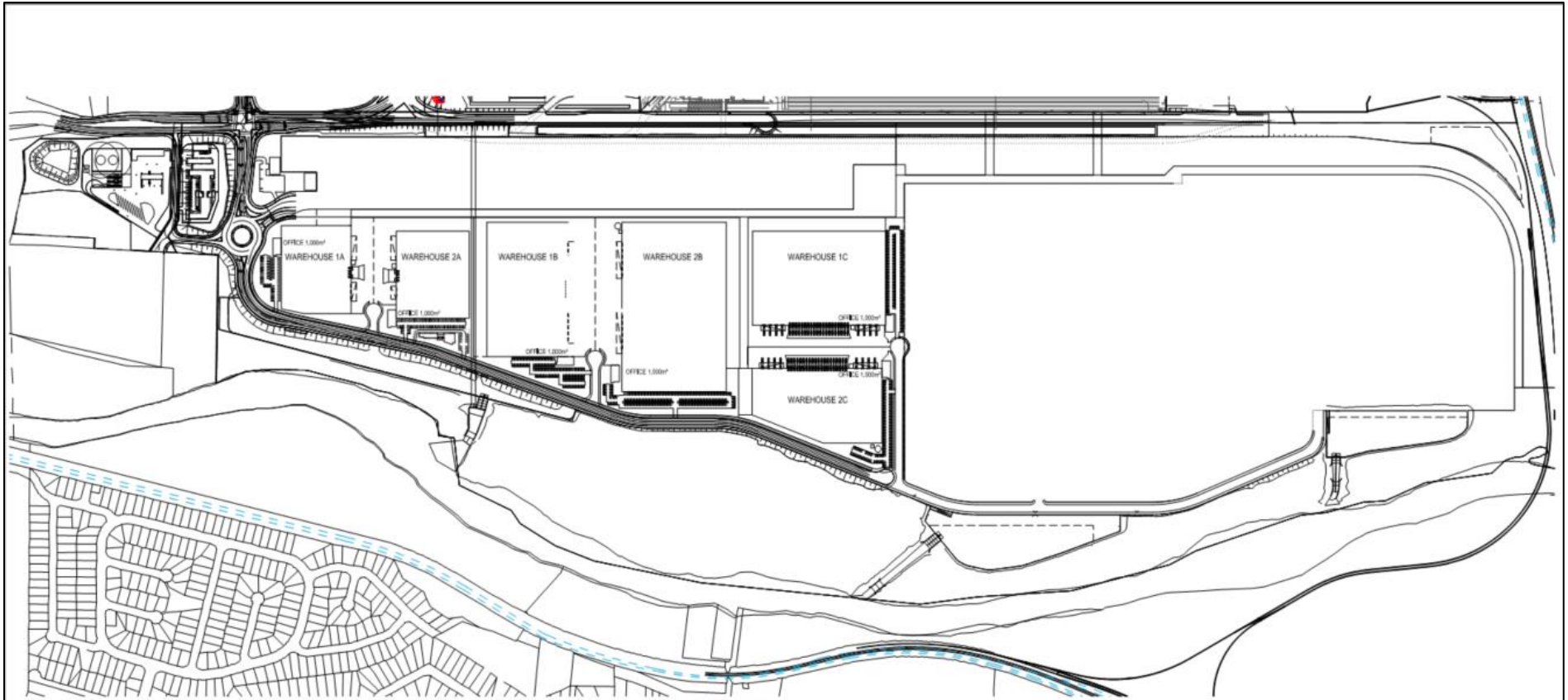


Figure 6 MPW Concept Approval Recreated by Bell Architecture (Source: Bell Architecture, 2020)

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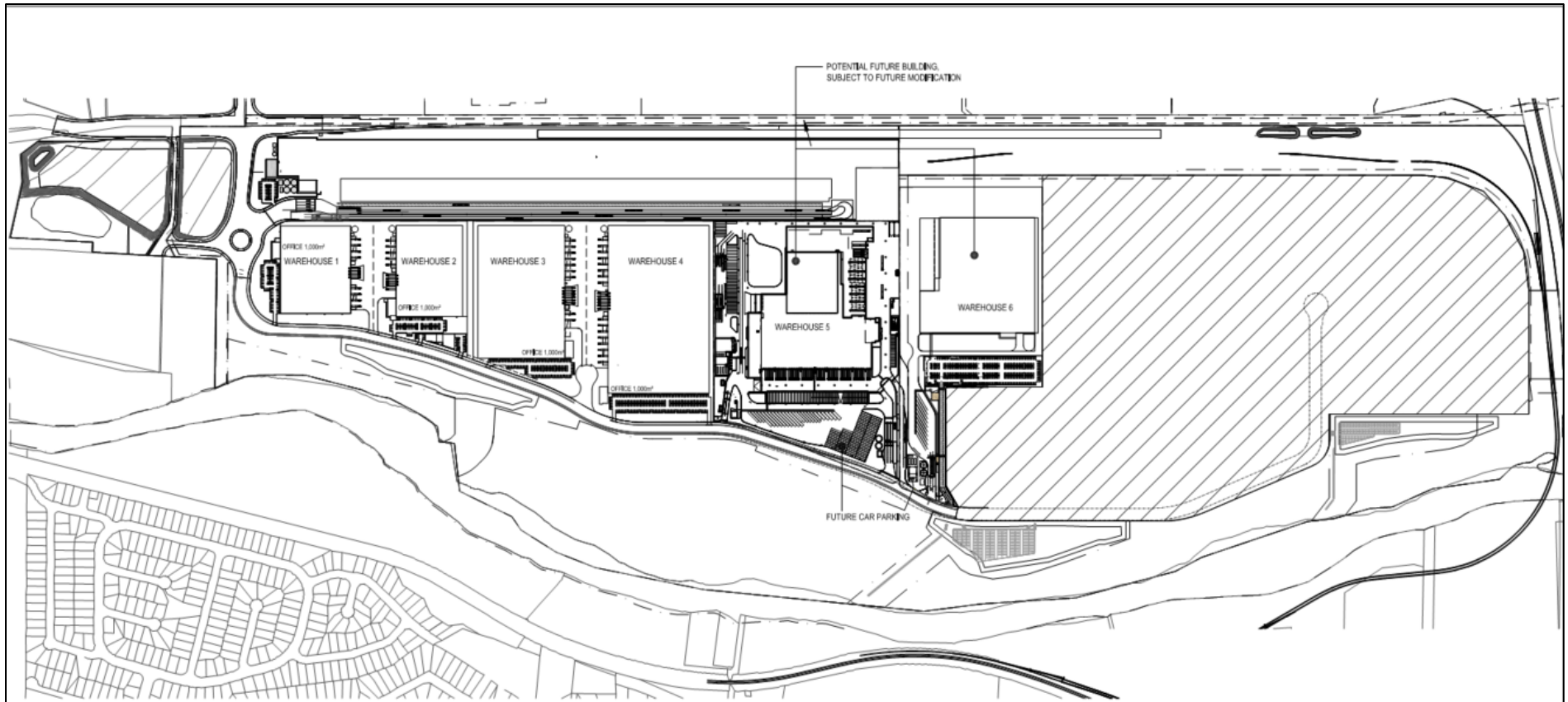


Figure 7 Amendment Proposed to Concept Approval Operational Boundaries (Source: Bell Architecture, 2020)

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PART D JUSTIFICATION

4.1 MODIFICATION NEED

The proposed modifications would fulfill a significant role in satisfying both market needs and demands, as well as improving the operational efficiencies of transport and logistics businesses within NSW, particularly the intermodal and warehousing and distribution sectors within the wider industrial sector, the State (NSW) and Australia-wide.

With reference to the Environmental Impact Statement (EIS) prepared for SSD 5066 by Parsons Brinckerhoff (2014), Parsons Brinckerhoff note, that *achieving an efficient and sustainable freight transport system is a challenge in two important Australian freight markets:*

- *The IMEX (Import/Export) container market – which handles international freight; and*
- *The domestic container market (comprising interstate and intrastate cargo) – which handles a wide range of goods around Australia including agricultural produce, groceries, consumer goods and manufactured materials.*

Furthermore, the EIS notes, that Sydney's need for additional Intermodal Terminal capacity in the IMEX and interstate markets within Australia are being driven by the following factors, including:

- *Strong growth in containerised IMEX freight;*
- *Easing the Port Botany Bottleneck;*
- *Growth in containerised interstate freight;*
- *Limited capacity within the existing and already planned IMT network;*
- *Increasing freight demand in Sydney and interstate;*
- *Road congestion; and*
- *Environmental and social impacts of road freight.*

Accordingly, given the strong economic growth anticipated for the Western Sydney region, SIMTA have identified significant future tenant demand for both traditional and new Warehousing, Advanced Logistics and Intermodal Facilities within the Moorebank Logistics Park, specifically, Moorebank Precinct West, being the subject of this Modification Application.

Revisions to both the internal operational MPW boundaries and maximum building heights able to be achieved across Warehouse areas 5 & 6 would appropriately respond to increased market and tenants demands and needs established across Australia. This is particularly true within NSW industrial / freight & logistics sectors within the Western Sydney Region, for which industrial land supply is sparse, with increased requirements to reach new maximum building heights and establish modernised standards for future industrial / freight & logistics developments.

Further justification with regard to the proposed modifications to the maximum building height able to be achieved across the Site is further justified within the Clause 4.6 Variation located within **Appendix 9** of this Modification Application. Whilst Clause 4.6 Variations are generally not required for a Modification Application, the document prepared provides a comprehensive and detailed justification against the Development Standard (Clause 4.3 of LLEP2008) and zone objectives applicable to the Subject Site.

The modifications sought are considered warranted, for which **Parts E & F** of this Planning Report provide further justification.

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PART E LEGISLATIVE AND POLICY FRAMEWORK

This Part of the Planning Report assesses and responds to the legislative and policy requirements for the proposed modifications in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this Modification Application:

Commonwealth Planning Context

- *Environment Protection and Biodiversity Conservation Act 1999*
- *EPBC Approval 2011/6086 approved 1 July 2014 and variation 2 February 2016 and 27 September 2016*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1979*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No 55 – Remediation of Land*

Regional Planning Context

- *A Metropolis of Three Cities – Greater Sydney Region Plan*
- *Western City District Plan*

Local Planning Context

- *Liverpool Local Environmental Plan 2008*
- *Liverpool Development Control Plan 2008*

This planning framework is considered in detail within the following sections:

5.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, or an action by the Commonwealth – or an action likely to have an impact on the environment on Commonwealth Land, it is declared a “controlled action” and formal Commonwealth approval is required.

In a letter of support prepared by Arcadis, dated 3 December 2019 (refer to **Appendix 7**), they note, that the EPBC Act approval for the MPW Concept was granted by the Department of the Environment and Energy (DotEE) in September 2016 (No. 2011/6086). Accordingly, the approval provided was in relation to the impacts anticipated on listed threatened species and

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communities (as prescribed under Sections 18 and 18A of the EPBC Act) and Commonwealth action (Section 28 of the EPBC Act).

Notwithstanding, all potential ecological impacts with respect to the Subject Site have been previously considered under SSD 5066.

5.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.55(2) of the EP&A Act includes provisions to modify a Development Consent that has been granted pursuant to Part 4 of the EP&A Act. The proposal (proposed modifications to Moorebank Intermodal Terminal) as submitted to the NSW DPIE is considered to satisfy the provisions of Section 4.55(2) of the EP&A Act, as changes proposed would result in minimal environmental impact and be considered substantially and materially the same development.

The relevant provisions are addressed as follows:

"A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: In the Legal Advice prepared by Mills Oakley (dated 21 February 2020), they provide their informed legal opinion as to whether the proposed modifications could lawfully be approved by way of Section 4.55(2) of the EP&A Act (refer to **Appendix 5**). Specifically, the Legal Advice considers whether the proposed modifications would still be deemed '*substantially the same*' development as the development originally approved pursuant to SSD 5066.

With respect to the Legal Advice prepared, both SSD 5066 and SSD 5066 MOD 1 are given due consideration, which formulate the overall opinion provided. Mills Oakley note, that in applying the '*substantially the same*' test, the focus is on 'the development' as a whole. Accordingly, a comparison must be made between the development as modified and the development that was originally approved (*Scrap Realty v Botany Bay City Council* [2008] NSWLEC 333 at [16]).

Further precedence confirms, that to pass the test, the result of the comparison must include a finding that the modified development is 'essentially' or 'materially' the same as the approved development (*Moto Developments (No 2) v North Sydney Council* [1999] NSWLEC 280 at [55]; *Vacik v Penrith City Council* [1992] NSWLEC 8).

Both a qualitative and quantitative assessment of the Modification Application is required. It is noted, that differences in qualitative and quantitative effects do not necessarily mean that the character of a development is changed in a material respect (*Davi Development v Leichardt Council* (2007) NSWLEC 106). Accordingly, even if each of the changes / modifications proposed to be made are significant in their own right, the proposed modifications may still be considered substantially the same as a whole (*Tyagrah Holdings v Byron Bay Shire Council* [2008] NSWLEC 1420 at [12]).

Quantitative Assessment

With respect to the abovementioned legal interpretation, Mills Oakley provide their assessment from a quantitative perspective with regard to SSD 5066, which confirms:

- Total warehousing GFA will remain unchanged across the Site (215,000 m²);

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- There will be a change with respect to the future built form outcomes and site layout, including:
 - An increase in the maximum building height from approximately 21 m up to and including 45 m; and
 - Reconfiguration of the internal concept approval boundaries for MPW.
- Access to MPW will remain unchanged.

Mills Oakley suggest, that if comparable review of the 'before' (SSD 5066) and 'after' (subject Modification Application) site layout plans identified in **Figures 5-7** above were undertaken, the proposed modifications do not materially alter the Site layout of the approved development (SSD 5066) (*Gordon & Valich Pty Ltd v City of Sydney Council* [2007] NSWLEC 780).

Additionally, in relation to the proposed reconfiguration of the MPW boundary, Mills Oakley note, that the power under Section 4.55(2) of the EP&A Act extends to permit the carrying out of development approved by the original consent on land additional to the land to which the consent as originally granted applied (*Scrap Realty Pty Ltd v Botany Bay City Council* [2008] NSWLEC 333 at [20]).

In relation to height, from a quantitative perspective an increase in building height from approximately 21 m to 45 m (when taken in isolation), is considered significant (comprising an increase of 214%) with respect to contravening Clause 4.3 of LLEP2008. Notwithstanding, and as stated above, the proposed modifications as a whole may still be 'substantially the same'. Furthermore, Roberts Day reinforce the proposed visual impacts anticipated as a result of future built form, with regard to potential heights being proposed up to and including 45 m across identified portions of the Subject Site within their Visual Assessment Report (refer to **Appendix 3 & 4**):

- The significance of impact on the landscape is low / negligible due to the highly industrial nature of surrounding areas; future character of the precinct as an IMT facility, with associated warehousing; and introduction of native trees / landscape buffers compatible with the existing vegetative characteristics and planting.
- Overall, the visual impacts assessed from multiple viewpoints surrounding the Site result in impacts considered to be in the none / negligible to moderate ranges.
- Provisions for heights up to and including 45 m on specified portions of the Subject Site will constitute only minor additional built form components compared to the remainder of the wider Moorebank Logistics Park.

Accordingly, Mills Oakley do not consider the significant increase in height across relevant portions of the Site a 'radical transformation' of the original Development Consent (SSD 5066).

Qualitative Assessment

With respect to the abovementioned legal interpretation, Mills Oakley provide their assessment from a qualitative perspective with regard to SSD 5066, which confirms:

- The character and purpose of the original development is a 24/7 operational warehousing and distribution facility; and
- The essential feature of the original development (SSD 5066) is to achieve a throughput volume of up to 500,000 TEUs.

The proposed modifications would not materially change either of the abovementioned items, for which Mills Oakley confirm, that the modifications sought are 'substantially the same' development as the development originally approved under SSD 5066.

Juxtaposition can be undertaken with respect to the NSW DPIEs earlier conclusions with respect to SSD 5066 MOD 1 being determined as 'substantially the same' development, which included

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that the proposed modifications "*would not alter the purpose of the proposal for an IMT facility and associated warehouse estate.*"

In summary, Mills Oakley confirm that the proposed modifications are capable of being approved pursuant to Section 4.55(2) of the EP&A Act. Whilst the proposed increase in building height from 21 m to 45 m across relevant portions of MPW are significant when considered in isolation, the character and purpose of the original development (SSD 5066) as a whole will remain unchanged (i.e. a 24/7 operational Warehousing and Distribution Facility), as will the essential feature of the original development (i.e. achievement of a throughput volume of up to 500,000 TEUs).

- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment: Following a meeting held on 29 November 2019 and further correspondence on 11 December 2019, the NSW DPIE confirmed the potential to undertake a Modification Application with regards to the proposal.

Further concurrence has been managed accordingly with both the NSW DPIE and Liverpool City Council with respect to the proposed Modification Application. It is considered that additional consultation will be undertaken by the NSW DPIE to inform the relevant State Agencies of the proposed modifications, for which any Submissions would be considered by the Proponent following the Modification Application being exhibited to the relevant State Agencies whom require to be consulted with.

- (c) it has notified the application in accordance with—*
- i. the regulations, if the regulations so require, or*
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: For the purpose of this Modification Application and the provisions set out in the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), notification of the Modification Application is not required to neighbouring properties. Any Submissions received will be formally responded to following the Modification Application being exhibited to the relevant State Agencies.

5.3 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016* (BC Act, 2016) is the key legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act 2016 is to "maintain a healthy, productive and resilient environment, for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development". The BC Act 2016 is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation 2017).

In a letter of support prepared by Arcadis, dated 3 December 2019 (refer to **Appendix 7**), they note, that SSD 7709 previously considered the potential ecological impacts of both the construction and operational footprints within the Biodiversity Assessment Report (BAR)

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previously prepared and undertaken for the Subject Site. It is noted, that any ecological impacts originally anticipated as a result of the scope of works approved under SSD 7709 have been subsequently offset through the retirement of Biodiversity Offset Credits in accordance with SSD 7709 – Condition B157, which was approved in November 2019 by the IPC.

In summary, the BAR established the following observations:

- The MPW project would remove a total of 42.89 hectares of native vegetation comprising three (3) Plant Community Types (PCTs), including:
 - Hard-leaved Scribbly Gum – Parramatta Red Gum healthy woodland of the Cumberland Plain, Sydney Basin;
 - Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin; and
 - Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney.

Arcadis confirm, that all three (3) of the PCTs identified are equivalent to Threatened Ecological Communities (TECs) listed under both Commonwealth and / or State legislation.

Additionally, a total of 13 threatened flora species were identified in the Framework for Biodiversity Assessment (FBA, 2014) credit calculator as predicted flora species credit species. Three (3) of the threatened flora species credit species identified by the credit calculator were recorded within the amended proposal site, which included:

1. *Hibbertia puberula subsp. puberula*;
2. *Persoonia nutans*; and
3. *Grevillea parviflora subsp. parviflora*.

Furthermore, a total of 24 threatened fauna species were derived from the PCTs identified on the amended proposal site as predicted ecosystem credit species. However, it is noted, none of the predicted threatened fauna ecosystem credit species were recorded on the amended proposal site. It is important to note, that eight (8) threatened fauna species were identified in the credit calculator as predicted fauna species credit species. Evidence of occurrence of Koala species has been recorded, for which the relevant management plans approved under SSD 5066 and SSD 7709 would be implemented accordingly. The location of threatened flora, fauna and ecological communities is depicted in **Figure 8** below.

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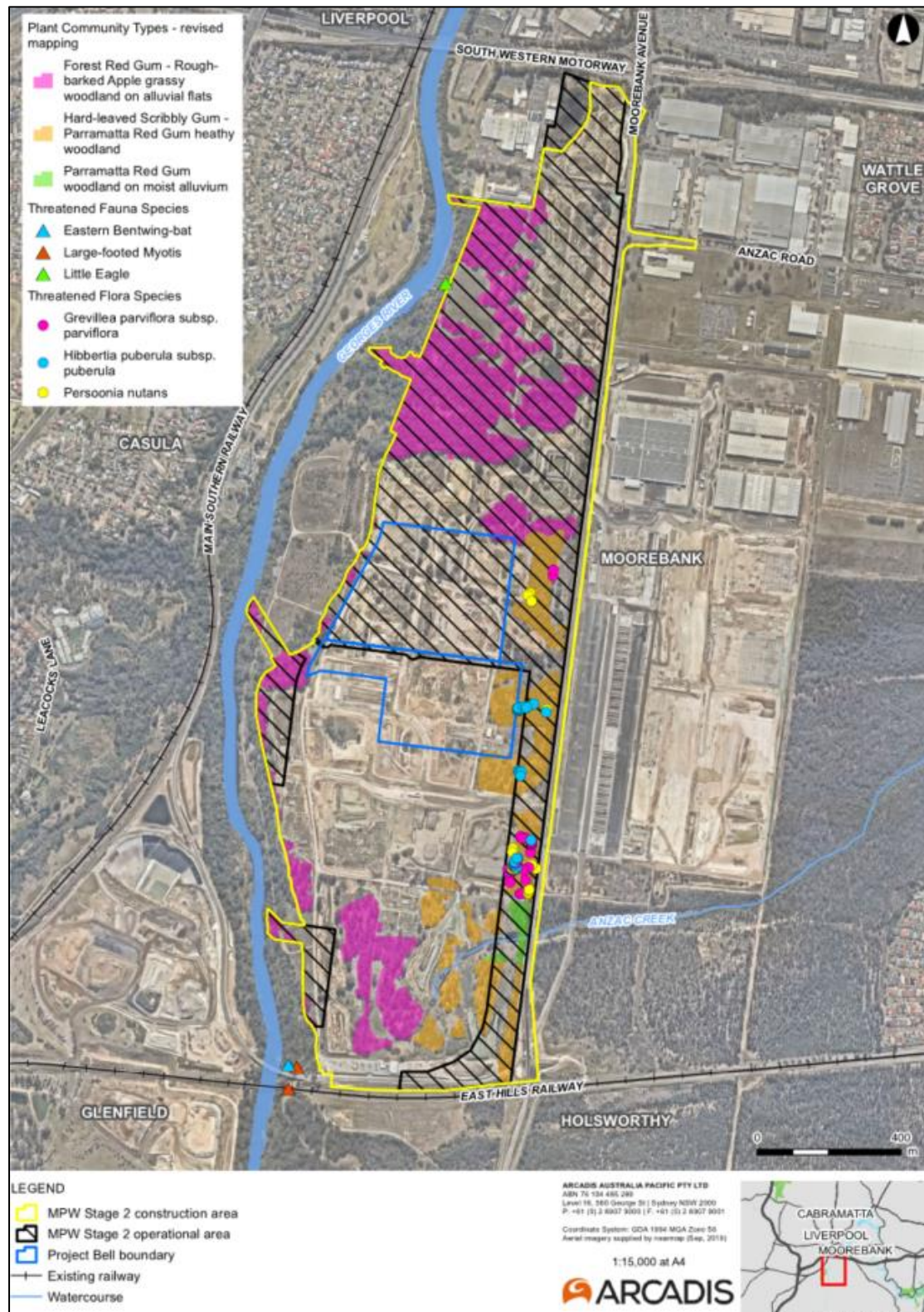


Figure 8 Potential Threatened Ecological Communities across the Subject Site (Source: Arcadis, 2020)

With regard to **Figure 8** above, the proposed modifications are wholly located within the MPW site, for which all potential ecological impacts have been assessed and offset pursuant to the Development Consent subsequently obtained under SSD 7709. The proposed modifications do

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not constitute built form works, rather include an increase in the approved operational footprint established for MPW Stage 2.

Accordingly, Arcadis conclude, that the proposed modifications are located within the MPW Concept Approval (SSD 5066 and SSD 5066 MOD 1) and the MPW Stage 2 boundary (SSD 7709), for which the potential impacts to threatened species and corresponding ecological communities has been previously considered.

Further consideration with respect to potential ecological impacts is not considered to be required in this Modification Application.

5.4 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Another important item of legislation against which this Modification Application has been assessed, is the *Protection of the Environment Operations Act 1997* (POEO Act). Schedule 1 of the POEO Act contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposed modifications, as submitted to the NSW DPIE, do not trigger any thresholds in respect of this legislation.

5.5 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Proposed developments involving activities that are listed in Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) are identified as being State Significant Development. Clause 19 of Schedule 1 states:

"19 Rail and Related Transport Facilities

- (1) Development that has a capital investment value of more than \$30 million for any of the following purposes—*
 - (a) heavy railway lines associated with mining, extractive industries or other industry,*
 - (b) railway freight terminals, sidings and inter-modal facilities.*
- (2) Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes—*
 - (a) commercial premises or residential accommodation,*
 - (b) container packing, storage or examination facilities,*
 - (c) public transport interchanges."*

SSD 5066 was approved pursuant to the provisions of Clause 19, as it comprised a Proposal constituting a Capital Investment Value (CIV) of more than \$30 Million, and is for the purposes of an intermodal facility (associated with railway infrastructure); and is for the purposes of commercial premises and container packing, storage or examination facilities.

Accordingly, the proposed modifications are consistent with SSD 5066.

5.6 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides permissibility for the development of certain activities for a range of infrastructure types. The ISEPP indicates

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whether an activity is permissible with or without consent and on what land use zone the activity is permissible.

SSD 5066 included provisions for the Moorebank Intermodal Terminal, which is defined as “rail freight terminals, sidings and freight intermodal facilities in accordance with the meaning bestowed under Clause 78 of the ISEPP. It is noted, that the IN1 General Industrial and SP2 Infrastructure zones are identified as Prescribed Zones pursuant to Part 3, Division 15, Clause 78(1) of the ISEPP. Accordingly, permissibility for SSD 5066 was achieved through the provisions outlined under the ISEPP.

Furthermore, the ISEPP repeals the former *State Environmental Planning Policy No 11 – Traffic Generating Development* and, pursuant to Clause 104, provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.

Schedule 3 lists the types of development that are defined as Traffic Generating Development. The referral thresholds for ‘Freight Transport Facilities’ development are:

- *Any size or capacity.*

As the proposal seeks consent for proposed modifications to an existing Intermodal Terminal, referral to the NSW RMS (now TfNSW) is therefore required.

5.7 STATE ENVIRONMENTAL PLANNING POLICY NO 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

No built form works are proposed with respect to the proposed modifications, which would warrant further investigations under *State Environmental Planning Policy No 33 – Hazardous and Offensive Development* (SEPP 33). It is noted, that any future proposals to store Dangerous Goods would be subject to further assessment under SEPP 33.

5.8 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Under the provisions of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55), where a Development Application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The suitability of the Site, in respect of SEPP 55 was previously considered under SSD 5066. Notwithstanding, in a letter of support, dated 2 December 2019 prepared by EP Risk (2020) note, that Enviroview Pty Ltd were engaged in 2016 to provide the services to the extent of a NSW EPA Contaminated Land Accredited Site Auditor in relation to the Moorebank Intermodal Terminal, for which the reviewed the Remedial Action Plan (RAP) prepared by Golder & Associates (2016). Enviroview Pty Ltd (2016) concluded, that “the RAP provided meets the requirements of the guidelines and it is my opinion that the site can be made suitable with the implementation of the RAP...” (refer to **Appendix 6**).

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Accordingly, the objectives of the RAP were to remediate and / or manage potential contamination risks at the Site, for which the Site could be made suitable for future land uses comprises commercial / industrial related developments.

EP Risk confirm, that given the proposed modifications are situated within an area previously assessed, further consideration is not required with respect to the provisions of SEPP 55, as the findings previously documented under SSD 5066 & SSD 5066 MOD 1 and SSD 7709 remain unchanged in relation to contamination across the Site.

5.9 A METROPOLIS OF THREE CITIES – GREATER SYDNEY REGION PLAN

A Metropolis of Three Cities – Greater Sydney Region Plan (Greater Sydney Commission, 2018) divides the Sydney Region into three (3) Cities, with a vision of growth until 2056 (refer to **Figure 9** below). The Plan aims to anticipate the housing and employment needs of a growing and vastly changing population. The overall vision pursues an objective of transforming 'Greater Sydney' into a Metropolis of Three Cities, including:

- The Western Parkland City;
- The Central River City; and,
- The Eastern Harbour City

The division into three (3) cities puts workers and the wider community closer to an array of characteristics such as, intensive jobs, 'city-scale' infrastructure & services, entertainment and cultural facilities. By managing and retaining industrial land close to city centres and transport, this will ensure critical and essential services are readily available to support local businesses and community members and residents. The Proposed Development would not only achieve economic growth and prosperity but would encourage employment-generating opportunities that are considered relatively close in conjunction with residential communities, for ease of commute.

The proposed development also contributes to the four (4) standardised elements communicated across for all three (3) cities, including:

- Infrastructure and collaboration – subject to approval of the proposed modifications, future built form would be able to provide a locally derived source, readily available for distribution for local use, as well as operating on a national and global scale;
- Liveability – future built form of the Subject Site would encourage employment-generating opportunities and economic prosperity, which would have positive influences on the wider locality;
- Productivity – the Subject Site is situated within the *Western City District Plan* (**section 5.13**); and,
- Sustainability – the modifications proposed would not cause any detrimental impacts to its wider ecological surroundings as identified in **Part F** of this Report.

In summary, the proposed modifications would contribute to the objectives set out in the *A Metropolis of Three Cities – Greater Sydney Region Plan* by promoting minor environmental impacts and the further promotion of employment-generating opportunities to the wider locality and community, positioned within the Liverpool LGA.

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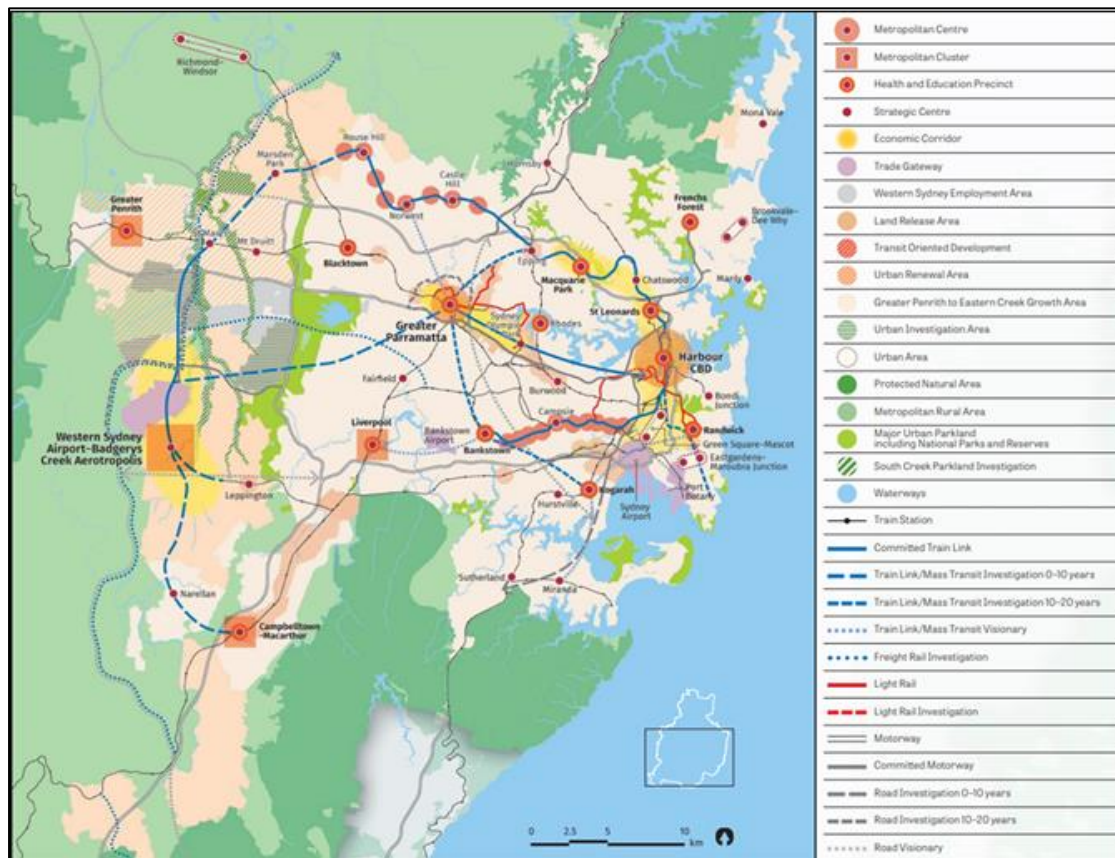


Figure 9 Metropolis of 3 Cities A Vision to 2056 (Greater Sydney Commission: Greater Sydney Region Plan, 2018)

5.10 WESTERN CITY DISTRICT PLAN

The *Western City District Plan* covers the Liverpool LGA. The Plan encourages a twenty-year plan to help encourage and establish goals set out in *A Metropolis of Three Cities – Greater Sydney Region Plan* mentioned above in **Section 5.11**. The Plan is considered the 'bridge' between Regional and Local planning.

The Subject Site – Moorebank Avenue, Moorebank is situated within the *Western City District Plan*, which falls within the Western Parkland City (refer to **Figure 10** below).

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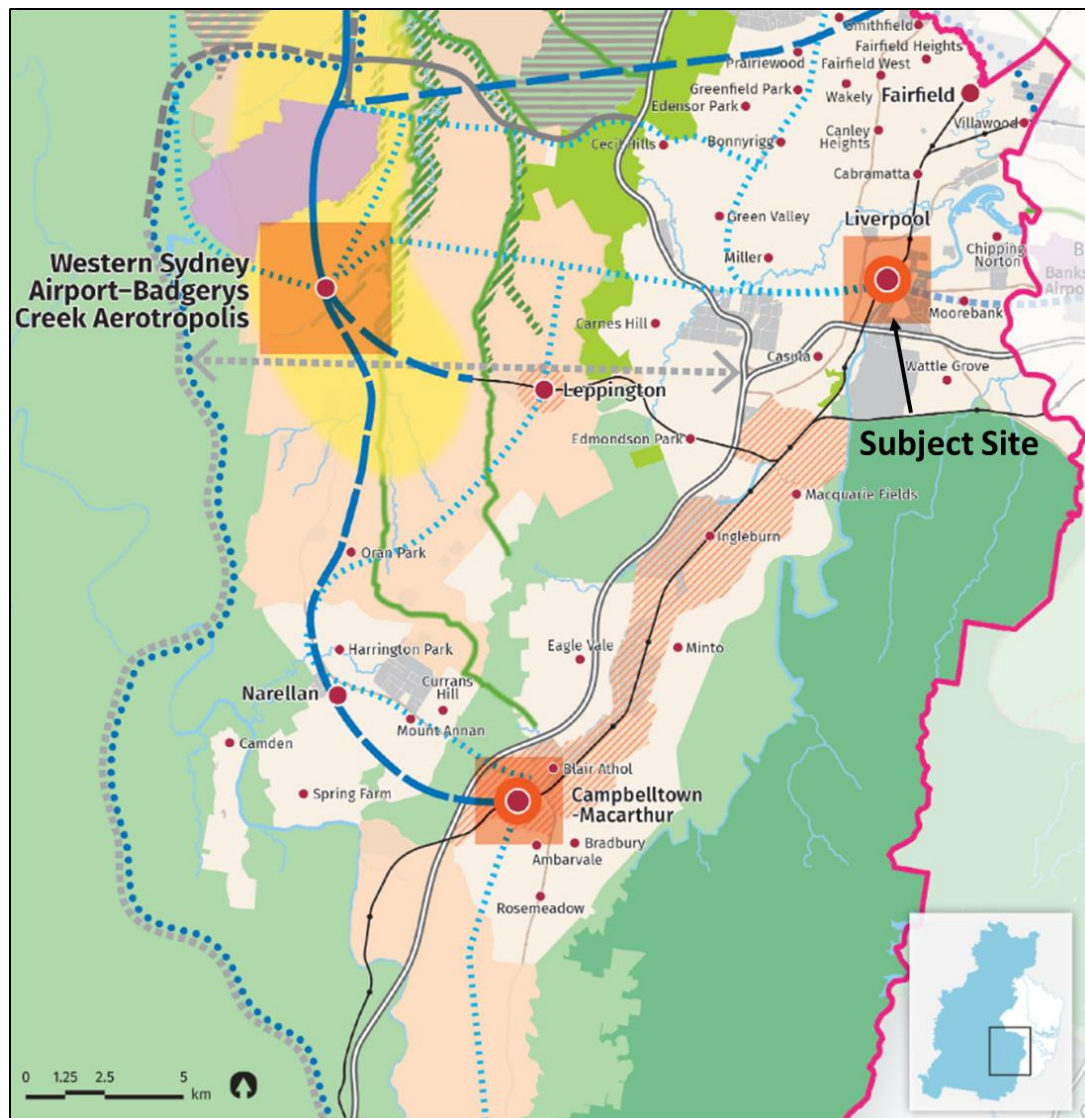


Figure 10 Western City District Plan Structure Plan (Source: Greater Sydney Region Plan, 2018)

The *Western City District Plan* reinforces the four (4) planning priorities of the GSC. The Plan establishes a number of priorities and actions to guide growth, development and change, relating to infrastructure & collaboration, liveability, productivity and sustainability.

The Greater Sydney Commission's mission statement further reinforces the Plan's concentrated aims by outlining its main strategies, namely:

- *Creating a once-in-a-generation economic boom with the Western Sydney Airport and Badgerys Creek Aerotropolis bringing together infrastructure, businesses and knowledge intensive jobs;*
- *Building on the Western Sydney City Deal to transform the Western City District over the next 20 to 40 years by building on natural and community assets and developing a more contained Western City District with a greater choice of jobs, transport and services aligned with growth;*
- *Delivering the first stage of the North South Rail Link;*
- *Collaborating and building strong relationships between Liverpool, Greater Penrith and Campbelltown-Macarthur reinforced by the emerging Badgerys Creek Aerotropolis forming a unique metropolitan cluster;*

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- *Providing major transport links for people and freight by unprecedented transport investments;*
- *Developing a range of housing, providing access to public transport and infrastructure including schools, hospitals and community facilities;*
- *Linking walking and cycling paths, bushland and a green urban landscape framed by the Greater Blue Mountains World Heritage Area, the Scenic Hills and Western Sydney Parklands;*
- *Enhancing and protecting South Creek, Georges River and Hawkesbury-Nepean river systems;*
- *Mitigating the heat island effect and providing cooler places by extending urban tree canopy and retaining water in the landscape;*
- *Protecting the District's natural landscapes, heritage and tourism assets, unique rural areas and villages; and,*
- *Protecting the environmental, social and economic values of the Metropolitan Rural Area.*

The proposed modifications would contribute to a variety of the objectives set out in the *Western City District Plan* by promoting a greater range of land uses of benefit to the community including the proposed development approved under SSD 5066 for the Moorebank Intermodal Terminal within a land portion zoned for industrial purposes and other supporting commensurate land uses; and promoting additional employment-generating opportunities to the wider locality and community closer to home, whilst supporting an economically and environmentally sustainable proposed development.

5.11 LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

LLEP2008 is the principal EPI applicable to the Site. The Site is zoned as follows:

- IN1 General Industrial; and
- E3 Environmental Management.

Table 3 below outlines the relevant planning controls applicable to the Site, as stated within LLEP2008. As mentioned in **Section 5.7** above, that the Proposed Development, for the purposes of an Intermodal Terminal (as approved under SSD 5066), achieves permissibility pursuant to the provisions of the ISEPP. Notwithstanding, the LEP provisions have been adhered to below.

Table 3: Liverpool Local Environmental Plan 2008 (LLEP2008) – General LEP Clauses	
Requirement	Application to Proposed Development
Clause 2.3 – Zone Objectives and Land Use Table	(2) <i>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i>
IN1 General Industrial Zone	
IN1 General Industrial – Objectives of Zone	<ul style="list-style-type: none">▪ <i>To provide a wide range of industrial and warehouse land uses.</i>▪ <i>To encourage employment opportunities.</i>▪ <i>To minimise any adverse effect of industry on other land uses.</i>▪ <i>To support and protect industrial land for industrial uses.</i>▪ <i>To particularly encourage research and development industries by prohibiting land uses that are typically unsightly or unpleasant.</i>

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	<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
Permitted without Consent	<i>Nil.</i>
Permitted with Consent	<i>Boat sheds; Building identification signs; Business identification signs; Car parks; Cemeteries; Centre-based child care facilities; Community facilities; Crematoria; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Helipads; Heliports; Hotel or motel accommodation; Industrial training facilities; Industrial retail outlets; Information and education facilities; Kiosks; Light industries; Liquid fuel depots; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Sex services premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres.</i>
Prohibited	<i>Pond-based aquaculture Any development not specified in item 2 or 3.</i>
E3 Environmental Management Zone	
E3 Environmental Management – Objectives of Zone	<ul style="list-style-type: none"> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a limited range of development that does not have an adverse effect on those values. To enable the recreational enjoyment or scientific study of the natural environment.
Permitted without Consent	<i>Environmental protection works; Home-based child care; Home occupations.</i>
Permitted with Consent	<i>Building identification signs; Cellar door premises; Dwelling houses; Environmental facilities; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roads; Roadside stalls; Tank-based aquaculture.</i>
Prohibited	<i>Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.</i>
LEP Clauses	
Clause 4.1 – Minimum Subdivisions Lot Size	The Site is subject to a minimum lot size of 120 ha pursuant to LLEP2008, for which the Subject Site has been previously subdivided for development purposes.
Clause 4.3 – Height of Buildings	The Site is subject to a maximum building height of approximately 21 m under Clause 4.3 of LLEP2008 (refer to Figure 11). The height approved under SSD 5066 (21 m) would require to be amended under this Modification Application to approximately 45 m across relevant portions of the Site (Warehouse areas 5 & 6), for which a Clause 4.6 Variation is proposed to be submitted as part of this Modification Application (refer to Appendix 9).

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	It is noted, that a Clause 4.6 Variation is not a statutory requirement under a Modification Application; however, has been prepared for consistency and completeness to provide additional justification in relation to the proposed modifications.
Clause 4.4 – Floor Space Ratio	The Site is subject to a maximum Floor Space Ratio (FSR) of 1:1 under Clause 4.4 of LLEP2008 (refer to Figure 12). Notwithstanding, there are no built form works proposed under this Modification Application.
Clause 4.6 – Exceptions to Development Standards	The height approved under SSD 5066 (21 m) would require to be amended under this subject Modification Application to approximately 45 m across relevant portions of the Site, for which a Clause 4.6 Variation is proposed to be submitted as part of this Modification Application (refer to Appendix 9).
Clause 5.10 – Heritage Conservation	The proposed modifications would not result in any inconsistencies with respect to the previous investigations undertaken on the Subject Site, including any recommendations required to be implemented across the Site, as confirmed by Artefact within their letter of support prepared for this Modification Application (refer to Figure 13 & Appendix 8).
Clause 5.11 – Bush Fire Hazard Reduction	All future built form proposed would be located outside vegetated and bushfire prone areas. Accordingly, the potential bushfire threat to the fixed assets (built form components) during construction is considered to be low. Additionally, the operational phase of the proposed modifications would be considered to be consistent with the objectives of <i>Planning for Bushfire Protection 2019</i> (PBP).
Clause 7.6 – Environmentally Significant Land	It is noted, that SSD 5066 considered all works that would impact the E3 Environmental Management zone, which intersects the Subject Site. The proposed modifications do not include provisions for built form works, for which Clause 7.6 of LLEP2008 would require further consideration.
Clause 7.7 – Acid Sulfate Soils	The Site is subject to Acid Sulfate Soils under LLEP2008 categorised as Classes 1 & 5 potential for Acid Sulfate Soils to occur (refer to Figure 14). SSD 5066 has previously considered the potential for Acid Sulfate Soils across the Site, for which further consideration under this Modification Application is not considered to be required.
Clause 7.8 – Flood Planning	Flood affectations across the Site with respect to the western and northern-most portions have been previously considered with respect to SSD 5066. Any future built form works would be required to consider flooding and overland flow across the Subject Site.
Clause 7.8A – Floodplain Risk Management	As above.
Clause 7.9 – Foreshore Building Line	It is noted, that the majority of the Subject Site is located outside of the foreshore building line, with the exception of three (3) overland flow drainage channels. Further consideration with regard to Clause 7.9 is not considered to be required due to no built form works proposed under this Modification Application.
Clause 7.27 – Development of Certain Land at Moorebank	The Subject Site is identified as a 'Key Site' pursuant to Clause 7.27 of LLEP2008 (refer to Figure 15) earmarked for an Intermodal Terminal, for which the Subject Site responds to accordingly, with respect to SSD 5066.

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Clause 7.31 – Earthworks	All bulk earthworks were approved and undertaken pursuant to SSD 5066. There are no earthworks proposed under the subject Modification Application.
Clause 7.36 – Arrangements for Infrastructure Arising out of Development of Intermodal Terminal at Casula and Moorebank	It is noted, that Clause 7.36 of LLEP2008 has been previously considered and addressed, for which the proposed modifications would remain completely consistent with.

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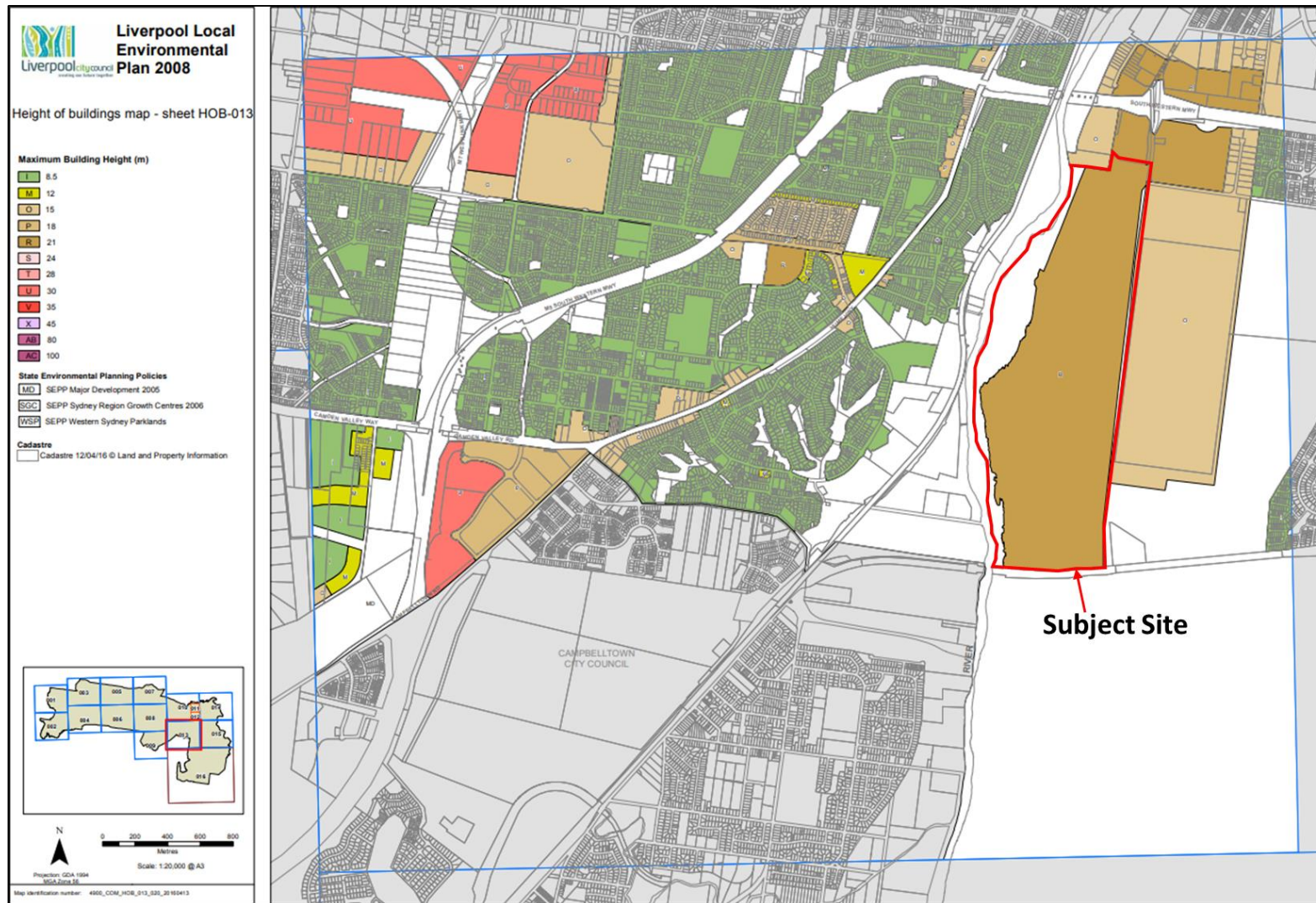


Figure 11 Maximum Building Height of Subject Site and Surrounding Area under *Liverpool Local Environmental Plan 2008* (Source: NSW Legislation, 2020)

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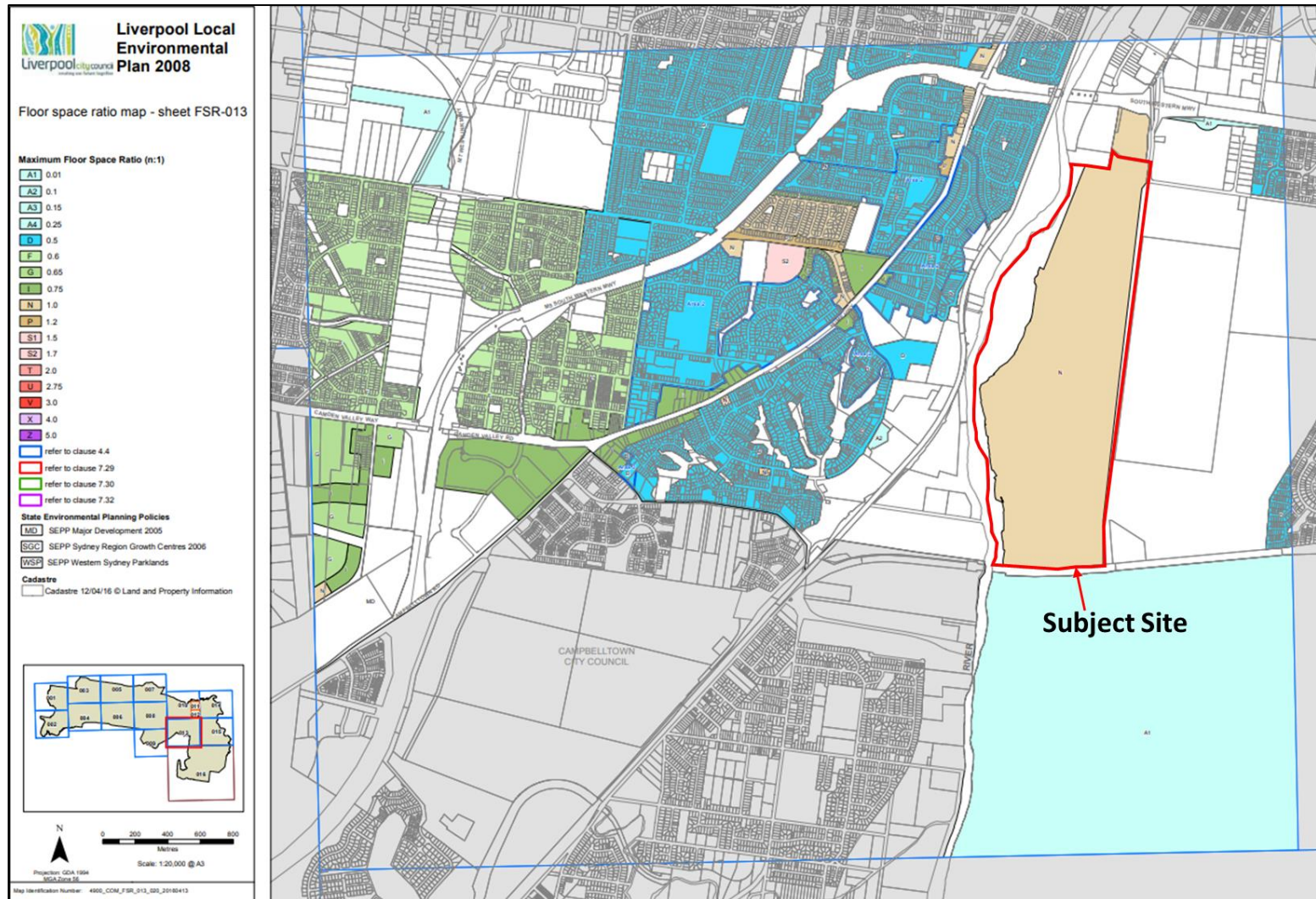


Figure 12 Maximum Floor Space Ratio of Subject Site and Surrounding Area under *Liverpool Local Environmental Plan 2008* (Source: NSW Legislation, 2020)

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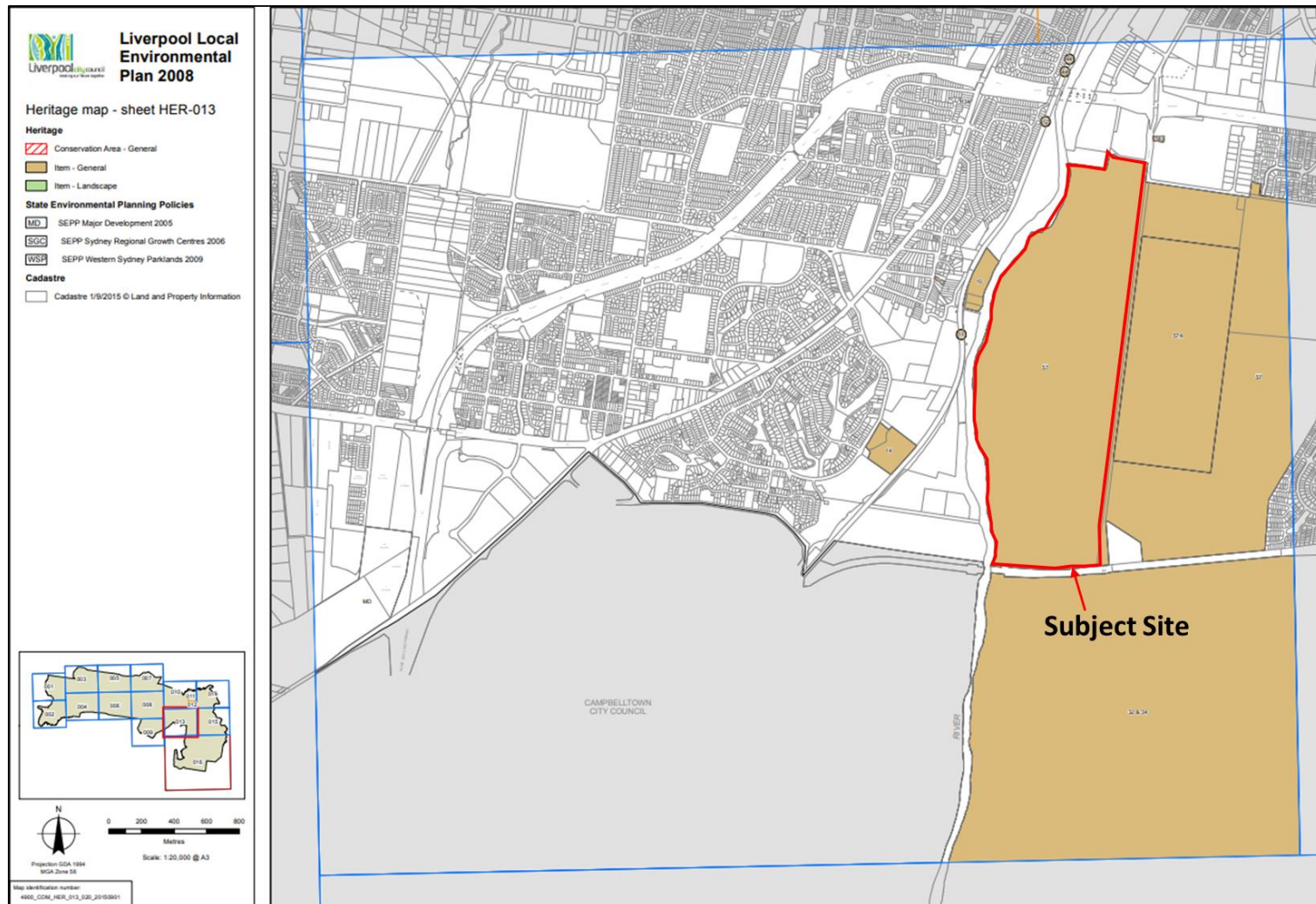


Figure 13 Local Heritage Items Applicable to the Subject Site and Surrounding Area under *Liverpool Local Environmental Plan 2008* (Source: NSW Legislation, 2020)

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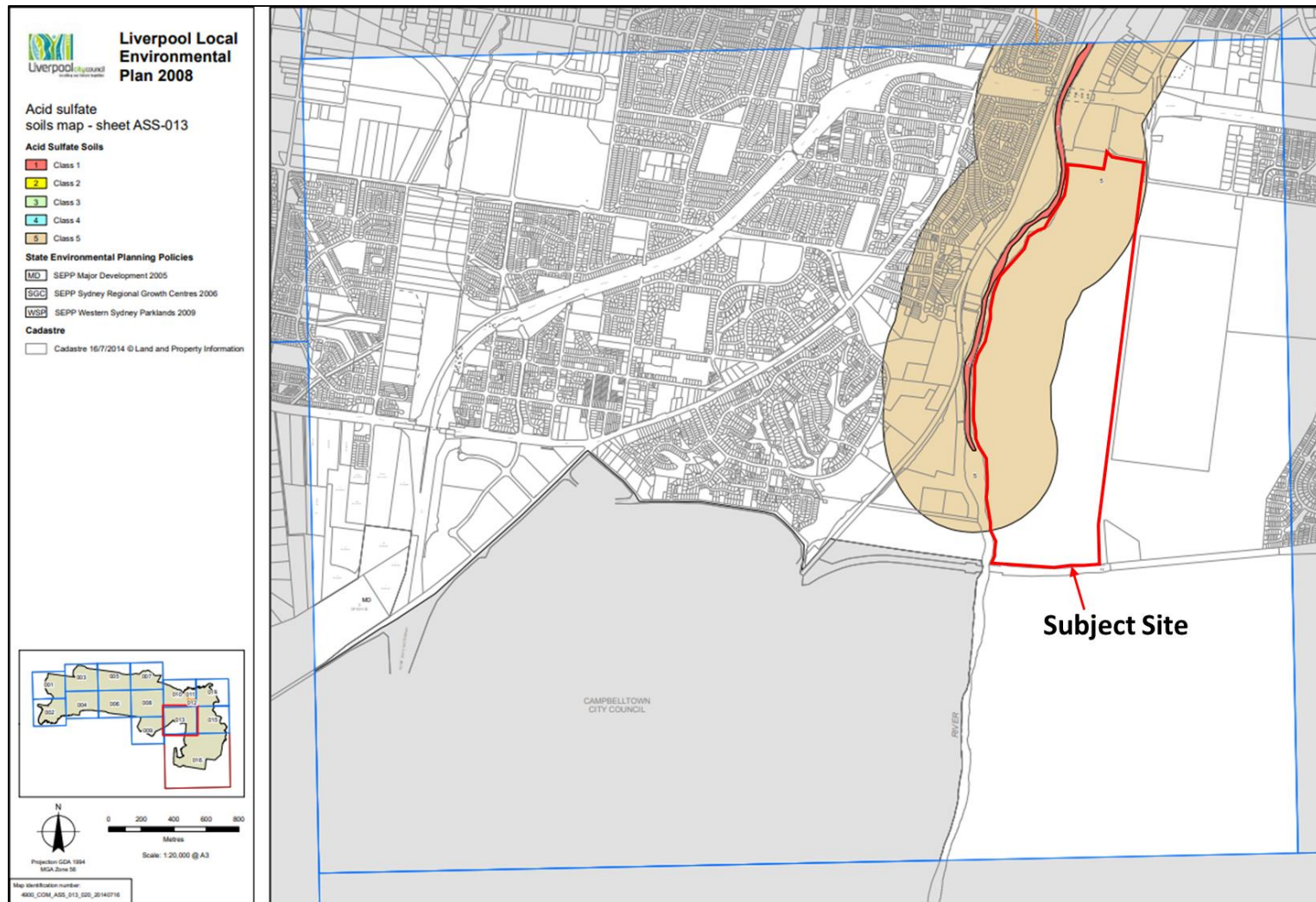


Figure 14 Potential of Acid Sulfate Soils Occurring to the Subject Site and Surrounding Area under *Liverpool Local Environmental Plan 2008* (Source: NSW Legislation, 2020)

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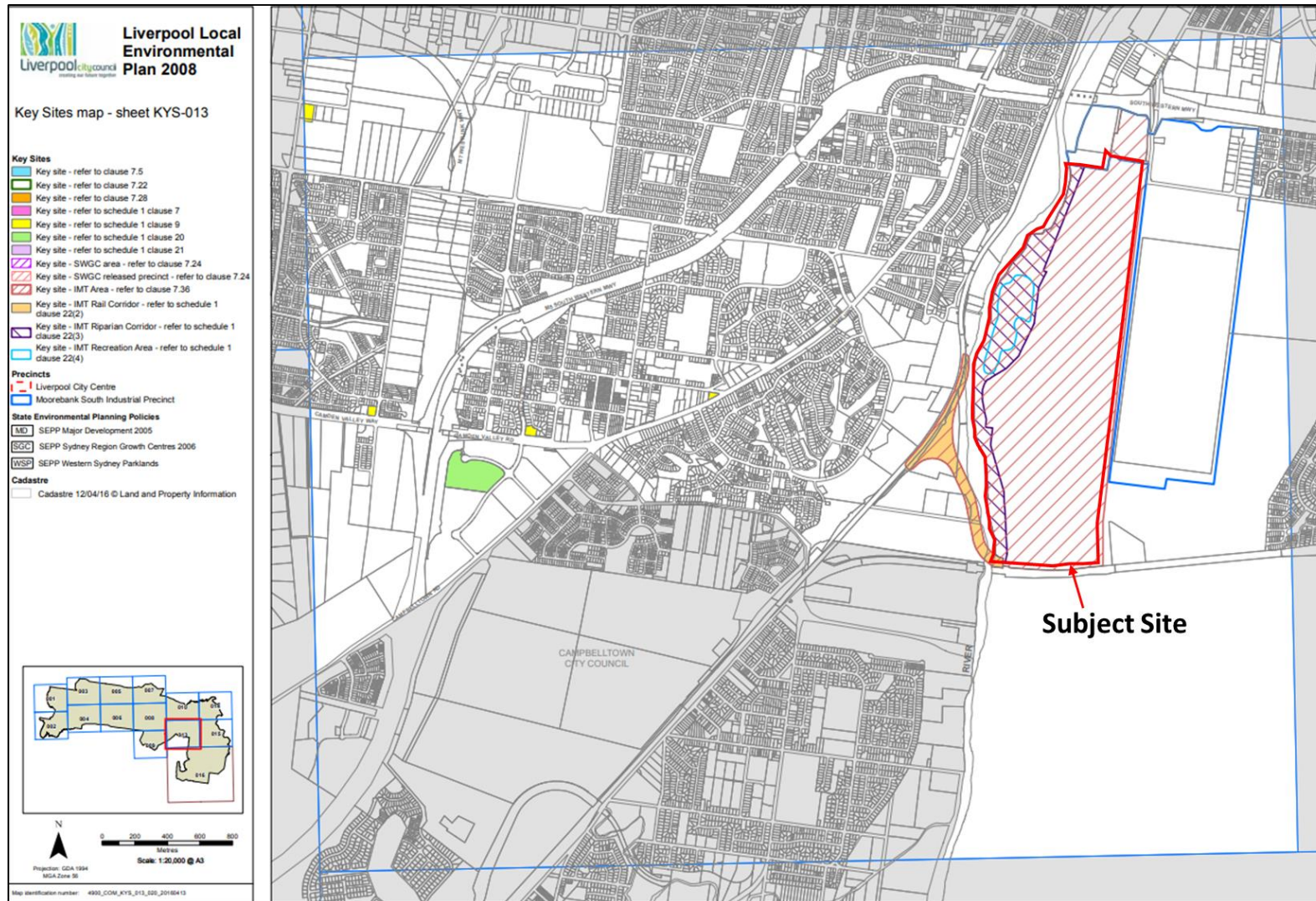


Figure 15 Key Sites Applicable to the Subject Site and Surrounding Area under *Liverpool Local Environmental Plan 2008* (Source: NSW Legislation, 2020)

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5.12 LIVERPOOL DEVELOPMENT CONTROL PLAN 2008

The *Liverpool Development Control Plan 2008* (LDCP2008) was formally adopted by Council on 28 July 2008 and came into regulatory effect as of 29 August 2008. The LDCP2008 is to be read and applied in conjunction with LLEP2008, for which, if there is an inconsistency between the two (2), the LEP would prevail over the DCP.

The aims and objectives of the LDCP2008 are as follows:

- (a) To provide more detailed provisions for regulating the carrying out of development.*
- (b) To protect and improve the natural environment in the City of Liverpool.*
- (c) To protect and improve the amenity of the City of Liverpool.*
- (d) To protect personal safety and to minimise the risk of damage to areas subject to environmental hazards, particularly flooding.*
- (e) To promote a high standard of urban and environmental design.*
- (f) To conserve, protect and enhance the environmental heritage of the City of Liverpool.*
- (g) To encourage a diversity of housing to meet the needs of the residents of the City of Liverpool.*
- (h) To facilitate development that is environmentally sustainable.*

It is noted, that DCPs do not apply to State Significant Development Applications (SSD 5066) under the SRD SEPP. Notwithstanding, a review of the core controls applicable to the proposed modifications, for the purposes of a proposed Intermodal Terminal approved under SSD 5066 with regard to the Subject Site can be found in **Appendix 10**.

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PART F ENVIRONMENTAL ASSESSMENT

The key planning matters for consideration, as they relate to the modified proposal are addressed in the ensuing subsections.

6.1 CONTEXT AND SETTING

The proposed modifications in relation to SSD 5066, which concern the proposed concept proposal and early works for an Intermodal Facility (Moorebank Intermodal Terminal) would remain consistent with the intended development of industrial-zoned land positioned within the Liverpool LGA. The proposed modifications would enable the efficient and sustainable use of such designated industrial land via adherence to the provisions, and overarching aims, and objectives set out within LLEP2008, that allows for the construction and operation of an Intermodal Facility and other industrial-related development. Accordingly, the proposed modifications to SSD 5066 would beneficially contribute to the regional and local economies and population groups positioned in the wider locality.

The proposed modifications to the concept layout and maximum building height would continue to remain consistent and compatible with surrounding industrial land uses (eastern and northern boundaries), including warehouses and industrial facilities, as well as the adjoining Moorebank Precinct East (MPE) Intermodal Facility within the wider Moorebank Logistics Park, that are designated for such employment-generating land uses of similar and parallel nature. Accordingly, the Site would not adversely impact the identified residential typologies, located to the west (adjoining George River) and far east (adjoining and screened by MPE) of the Subject Site, which are zoned R2 Low Density Residential. Therefore, the Site (including the proposed modifications) would not exhibit any adverse environmental or amenity impacts (refer to **Section 6.2** below).

With respect to the proposed modifications, the Site layout, informed by the revised concept layout (including boundary adjustments); and the proposed maximum building height across the Site, would continue to ensure the functional operation, with regard to the future built form of the Subject Site is enhanced, improving overall market demand and ensures that the operational needs of the future end users involved are met, whilst not impacting on any other surrounding operations.

As there are no built form works proposed, the proposed modifications would not exhibit any significant environmental impacts and would not adversely impact on the amenity or operations of any adjoining sites within close proximity to the Subject Site. Therefore, the proposed modifications in relation to SSD 5066, would be considered compatible with the Site context.

6.2 URBAN DESIGN AND VISUAL

The layout and design of Site features and indicative future built form (as per the revised Concept Layout), have been considered in terms of the visual amenity of both MPW and the broader context, in order to facilitate a positive visual outcome for the wider Intermodal Facility and the wider sensitive visual receivers throughout Casula towards the west of the Site beyond Georges River.

It is noted, that the architectural treatment utilised for future built form will ultimately reinforce the principles of Ecologically Sustainable Development (ESD) and reinforce the characteristics of a State-of-the-Art, modernised Intermodal Facility, which can accommodate Warehouse and Distribution Facilities, for the purposes of High Bay Warehousing.

Specifically, the visual impact of the proposed modifications is informed by the following:

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6.2.1 Site Layout including Landscaping

As a product of the revised Concept Layout (including extension of the MPW Stage 2 boundary), the proposed Site layout has been designed to ensure that the efficient use of the land and the functionality of future built form development, comprising Warehouse and Distribution Facilities, meet the operational requirements of the future end users involved. The overall Site layout is configured in a sense to allow fluid access to and from the facilities provided on-site, whilst offering a sense of safety and continuity pertaining to the circulation of vehicular and pedestrian movements on-site.

Future built form, comprising warehouses, offices, loading docks, car parking areas and associated landscaping, will be strategically coordinated to provide a functional layout (enabling co-location) and coherent visual outcome with respect to potentially impacted sensitive residential receivers. Where feasible, offices would be positioned and orientated to address the street frontage and loading docks located away from the street frontage, which will also adhere to the principles of Crime Prevention Through Environmental Design (CPTED).

Soft landscaping around the perimeter of the Subject Site and in the building separation zones, will soften the appearance of future built form and contribute to an attractive streetscape along the Western Ring Road, characterised by native vegetation planting and green verges. Provisions for future vegetation planting should include a dichotomous array of both native and endemic trees, plants, shrubs and grass species, which provide a natural buffer between the Site and surrounding allotments to define the separate warehouses and ensure views to and from the Site take in high quality landscaping.

It is noted, that the internal road system (Western Ring Road) provides direct access from Moorebank Avenue to the wider MPW, for which ingress and egress to future built form components, comprising hardstand and loading dock areas would be designed in accordance with the relevant Australian Standards.

6.2.2 Design of Future Built Form

The vision for future built form across the Site, is to create an architectural treatment towards a high quality, cohesive development, with an attractive appearance, in a manner that is consistent with the success of the wider Moorebank Intermodal Logistics Park. Future built form would incorporate a high-quality design and fabric, to ensure a positive, visual outcome and sustainable development. Additionally, architecture is envisaged to incorporate simple (but conducive), well-proportioned buildings, accented with high-quality elements around the entry and office components, thereby providing a positive visual outcome.

The bulk and scale of future built form would be considered typical of similar warehousing facilities throughout the Moorebank Intermodal Logistics Park, as well as the wider Western Sydney Region; and is therefore considered highly appropriate for the Site. Accordingly, the proposed Warehouse and Distribution Facilities exhibit a consistent design that would be reflected throughout the broader area upon the development of MPW in direct proximity of the Subject Site, which provides for orderly and sequential development.

As further justified in the Clause 4.6 Variation (refer to **Appendix 9**), future built form outcomes, with respect to building bulk and scale would not cause any undesirable visual impact, view obstruction, privacy intrusion or loss of solar access owing to the provision of adequate setbacks, building separation and deep-soil landscaping that would be applied.

Furthermore, façade articulation will be incorporated in future warehouse design through a complementary variety of materials, colours, design features and openings, that would create visual interest and prevent the presentation of large expanses of blank wall with positive connotations for views toward the Subject Site.

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6.2.3 Height, Scale, Materials and Colours

The height and scale adjustments explored under this Modification Application are considered to be uniform and representative of the facilities within the wider Moorebank Intermodal Logistics Park (both MPE & MPW), as well as other industrial-related development to the north of the Subject Site. The heights proposed are considered consistent with market trends and operational requirements within the NSW Industrial (including freight and logistics) Sector, whilst being consistent and transitional with industrial development adjoining the Subject Site and within close proximity to the Subject Site, throughout Moorebank, as well as industrial-development further west located within the Prestons Industrial Employment Precinct which comprise heights of similar nature and stature.

Increased heights allow for flexibility for future end users and high volumes of storage; thereby, improving the operational efficiencies able to be achieved on-site. Additionally, the height and scale for future built form is further articulated within the comprehensive Visual Impact Assessment prepared Roberts Day (2020). The Visual Impact Assessment is located within **Appendix 3 & 4** of this Modification Application.

The *Visual Assessment Report* prepared by Roberts Day (2020) based the potential visual impact on visual receptors that were perceived to potentially have the highest sensitivity towards the Subject Site, with regard to the future built form potential of two (2) Warehouse and Distribution Facilities (subject to a concurrent Modification Application under SSD 7709 MOD 1). These included the following viewpoint locations:

1. Public views from Anzac Road.
2. Public views from Wattle Grove residential areas.
3. Public views from Casula residential areas.
4. Public views from Leacock Regional Park.
5. Private view from existing residential tower located in Liverpool Town Centre.

Accordingly, the viewpoints utilised in preparation of the *Visual Assessment Report* prepared by Roberts Day (2020) are illustrated in **Figures 16 & 17** below. These viewpoints were inspected on both the 12 and 27 November 2019.

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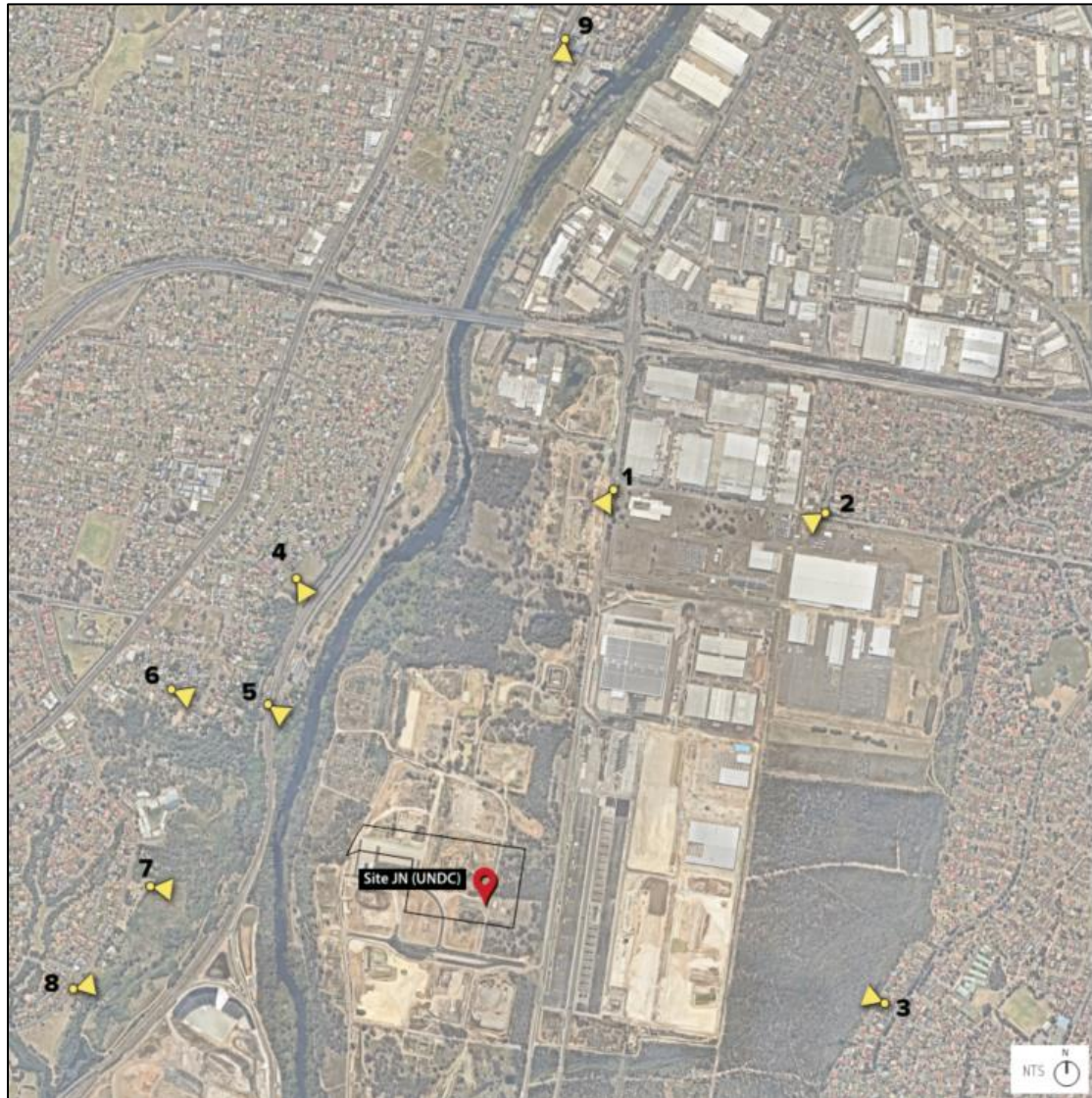


Figure 16 Viewpoint Locations utilised by Roberts Day to Inform the Preparation of the Visual Assessment concerning the 'JN' Site (Source: Roberts Day, 2020)

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Figure 17 Viewpoint Locations utilised by Roberts Day to Inform the Preparation of the Visual Assessment concerning the 'JR' Site (Source: Roberts Day, 2020)

As a result of future built form, the Subject Site would be visually treated and suitably screened by both existing and proposed landscaping along the western boundary traversing the Georges River tributary, along with dispersed landscape planning proposed on the Subject Site, throughout the designated landscape setbacks and throughout the proposed car parking and hardstand areas, which further ameliorates the potential impacts with respect to the urban heat island effect.

Roberts Day (2020) note, that the closest residential receivers in close proximity to the Subject Site are situated to the west of the Site within Casula. Accordingly, the potential visibility of the proposal in accordance with adjoining residential properties factors in the following parameters:

- Orientation and proximity of residential receivers;
- Land elevation;
- Existing vegetation / trees; and
- Future surrounding industrial warehouses.

The proposed maximum building height for future built form across selected portions of the Site is considered consistent with the future end user requirements for modernised industrial

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warehousing, encapsulating a highly cost beneficial and operationally efficient outcome. The combination experienced with respect to both market and tenant demand has significantly increased due to the lack of industrial land release and exponential land value increases, for which requires end users to reach new attainable development standards, via means of verticality to secure an ideal planning outcome. Accordingly, the proposal is considered to be of an appropriate scale and character, having regard to the desired outcome for the locality, for which the Subject Site is centralised within the MPW site, whereby the future built form of the wider MPW site would provide for a softer and improved transitional development, whilst not posing any adverse visual impacts on nearby sensitive visual receivers.

The application of various tones and cladding in future built form would seek to alleviate the bulk and scale of the built form, making a positive contribution to the streetscape and local character. The design of individual building components within both Warehouse and Distribution Facilities (SSD 7709 MOD 1) would encapsulate high commercial and industrial standards by virtue of various configurations and colours being applied throughout the Site, which responds to the potential industrial character of the wider Moorebank Intermodal Precinct, as well as the intended industrial character throughout the wider Liverpool LGA.

The colours, materials and finishes have been selected to consider the surrounding environment and orientation. External walls would consist of various tones to alleviate the bulk and scale of the built form – contributing to the surrounding streetscape of the area, including surrounding industrial zoned land. High quality finishes will be applied to the office components to provide a striking break in the bulk of the warehouse buildings.

Furthermore, the varied colour tones utilised have been chosen to help site the proposed building's (SSD 7709 MOD 1) more comfortably into the surrounding context. To do so, a varied colour is typically utilised on the four (4) building facades of each Warehouse and Distribution Facility. Accordingly, this colour scheme assists in making the buildings more recessive into the skyline and is considered consistent with regard to adjoining development throughout the wider Moorebank Intermodal Terminal and industrial development towards the north of the Site.

The overall design concept of the proposed Warehouse and Distribution Facilities, centres on a vision to provide quality functional building design solutions, that respond to the Site and wider surroundings. Accordingly, the design is more flexible in its environment and its form and matches with the end user's operational needs and standards. It also sets a new industrial standard of amenity for workers and visitors, as well as potentially impacted residential receivers, which is considered well in advance of the current nature of industrial development practices and standards.

The complete *Visual Assessment Report* prepared by Roberts Day (2020) is located within **Appendix 3 & 4** of this Modification Application.

6.2.4 Land Use Conflict

The Subject Site is located within the Moorebank Intermodal Precinct, which comprises a versatile range of industrial land uses pursuant to its IN1 General Industrial and E3 Environmental Management zoning. Accordingly, the Site context may be described as part of an employment-generating industrial precinct (Moorebank Intermodal Precinct), which the proposed Warehouse and Distribution Facilities would positively contribute to. Given the existing industrial character of the Site's surrounds, no such land use conflict is expected to occur.

There are a range of land uses which surround the Subject Site, all of which have been given due consideration in the design of the Subject Site. Of particular relevance, the following land uses are noted within the vicinity of the Site:

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- **North** – comprises existing industrial-related developments of similar nature and scale, for which provide for transitional, orderly and sequential development throughout land designated for industrial-related purposes and employment generation.
- **South** – comprises of SP2 Infrastructure zoned land, formulating part of the wider Heathcote National Park, which includes the Holsworthy Barracks. Further south and southwest includes R2 Low Density Residential zoned land with the suburb of Glenfield. Additionally, immediately south of the Subject Site includes IN1 General Industrial zoned land identified as MPW Stage 3, for which would be subject to future planning approval by SIMTA. Once approval has been provided for this portion of MPW, the built form will attribute to softening the bulk and scale of the proposed modifications, by providing a transitional array of development, comprising both orderly and sequential development across the Site.
- **East** – towards the east, there is a wider extension of MPW, which facilitates forming the remainder of the Moorebank Intermodal Terminal identified as MPE. Further east comprises R2 Low Density Residential and R3 Medium Density Residential zoned land; however, views with respect to the proposal would be appropriately screened by existing industrial-related developments throughout MPE.
- **West** – Residential development comprising a combination of both R2 Low Density Residential and R3 Medium Density Residential zoned land is located to the west of the Subject Site, which is sufficiently separated from the Subject Site, due to the Georges River tributary meandering the Site, as well as the elevated topographical nature of the residential receivers. Whilst Roberts Day note, that some views are afforded towards the Site (Viewpoint 4 within **Appendix 3 & 4**), the overall visual impacts are considered negligible given the wider horizon views encountered by these receivers.

In the *Visual Assessment Report* prepared by Roberts Day, they note, that a qualitative assessment of the visual impacts and changes to landscape has been undertaken based on the following guidelines:

- RMS Environmental Impact Assessment Guidance Note: Guidelines for landscape character and visual impact assessment (2013);
- The Guidance for Landscape and Visual Impact Assessment (GLVIA), Third Edition (2013) prepared by the Landscape Institute and Institute of Environmental Management and Assessment; and
- Visual Representation of Development Proposals, Technical Guidance Note 02 (2017).

Accordingly, the guidelines utilised by Roberts Day describe the assessment as a way to define the changes to the physical landscape and day to day visual effects of a project on people's views. **Figure 18** depicted below encapsulates the matrix's utilised to inform the relevant viewpoints assessed throughout the visual assessment undertaken.

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SENSITIVITY	MAGNITUDE					
	Very High	High	Moderate	Low	Very Low	Negligible
	Very High	Substantial	High	High/ Moderate	Moderate	Moderate/ Low
	High	High	High/ Moderate	Moderate	Moderate/ Low	Low
	Moderate	High/ Moderate	Moderate	Moderate/ Low	Low	Low/ Negligible
	Low	Moderate	Moderate/ Low	Low	Low/ Negligible	Negligible
	Very Low	Moderate/ Low	Low	Low/ Negligible	Negligible	Negligible/ None

Table 1. Impact Level (Matrix of Sensitivity & Magnitude)

Sensitivity	Criteria
Very High	Nationally designated landscape with high conservation or heritage value and absence of landscape detractors. Protected views identified in planning policy designation, State designated publicly accessible landscape or heritage assets.
High	Locally designated valued landscape with many distinctive characteristics and very few landscape detractors. Public views with a high visual prominence and a high number of users in close proximity, private views in close proximity, passive recreational receptors where the landscape has a high visual value.
Moderate	Landscape with some distinctive characteristics and few landscape detractors. Public views with a moderate visual value and a moderate number of users in close proximity, active recreational receptors where the landscape has little visual value.
Low	Landscape with few distinctive characteristics and presence of landscape detractors. Public views with a little visual value and a low number of users, where receptors are mostly road users in motor vehicles or passers-by, people at their work place or views from commercial buildings where the landscape has some visual value.
Very Low	Landscape with no distinctive characteristics and presence of many landscape detractors. Public views with none visual value and a limited number of users not in close proximity, people at their work place or views from commercial buildings where the landscape has little or no visual value.

Table 2. Sensitivity Ranking Criteria

Magnitude	Criteria
Very High	Total loss or major change to key characteristics of the existing landscape. The proposal forms a significant and immediately apparent part of the scene. It significantly contrasts in scale and character (either existing or planned). It is severely detrimental to the quality of the scene.
High	Notable loss or change to key characteristics of the existing landscape. The proposal forms a dominant feature of the scene to which other elements become subordinate. It contrasts in scale and character (either existing or planned). It is reducing the quality of the scene.
Moderate	Partial loss or change to key characteristics of the existing landscape. The proposal forms a visible new element within the overall scene, yet one that is relatively compatible with the surrounding character (either existing or planned) and view's composition. It is possibly reducing the quality of the scene.
Low	Minor loss or change to key characteristics of the existing landscape. The proposal constitutes only a minor component of the wider view, that is compatible with the surrounding character (either existing or planned) and view's composition.
Very Low	Limited or no loss or change to key characteristics of the existing landscape. The proposal constitutes only a minor component of the wider view, which might be missed by the casual observer or receptor. Awareness of the proposal would not have an effect on the overall quality of the scene.
Negligible	No change in the landscape or view.

Table 3. Magnitude Ranking Criteria

Figure 18 Matrix Data Utilised to Inform Potential Visual Impacts (Source: Roberts Day, 2020)

In accordance with the Site inspections undertaken by Roberts Day, nine (9) viewpoints were analysed in close proximity of the Subject Site to determine any potential visual impacts, with respect to the proposed modifications. **Table 4** outlined below describes the potential visual impacts with respect to identified viewpoint locations.

Table 4: Summary of Visual Impact to Key Viewpoints			
Viewpoints	Visual Sensitivity	Magnitude of Visual Change	Impact Level
Viewpoint 1 Moorebank Avenue	Low	Negligible	None
Viewpoint 2 Delfin Drive to Anzac Road	Low	Negligible	None
Viewpoint 3 Corryton Court	Moderate	Negligible	None
Viewpoint 4 Carroll Park at Marsh Parade	High	Moderate	Moderate
Viewpoint 5 2B Casula Road	Low	Negligible	None
Viewpoint 6 Casula Road and Canberra Avenue	Low	Negligible	None
Viewpoint 7 Leacock Regional Park	Moderate	Low	Low
Viewpoint 8 Leacocks Lane	Moderate	Negligible	None
Viewpoint 9 Shepherd Street	Low	Low	Moderate / Low

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Note: the photomontages located within **Appendix 3 & 4** have been prepared by 3D modelling of the Site and wider context, by utilising accurate survey information of the Site and the surrounding area. 3D modelling of potential future built form has been digitally linked to the Site and matched to the photomontages prepared based on the existing coordination and reference points.

With regard to **Table 4** outlined above, Roberts Day conclude that the significance of impact on the landscape is low / negligible in accordance with the matrix information utilised within **Figure 18** above. This is primarily due to the existing and future planned industrial character of the surrounding areas; the future character of the intermodal precinct (including associated warehousing and distribution facilities); and introduction of associated landscaping provisions, including native trees / landscape buffers compatible with existing vegetative and floristic characteristics and compositions surrounding the Subject Site.

Overall, the visual impacts assessed from multiple viewpoints surrounding the Site result in impacts considered to be in the none / negligible to moderate ranges. Accordingly, from the visual assessment and analysis undertaken by Roberts Day, the built form proposed would be visible from the following locations:

- Carroll Park (Viewpoint 4).
- Residential properties throughout Casula adjoining the rail network, whereby properties are:
 - Located adjoining Carroll Park; and
 - Facing Casula Station.
- Residential towers in the Liverpool Town Centre.

Notwithstanding, the wider Casula neighbourhood has a relatively compact configuration, which exhibit limited open views towards the Site. Accordingly, the proposal will be screened by Leacock Regional Park in the southern areas. Similarly, residential properties dispersed throughout Wattle Grove will not be impacted by the proposal.

In terms of the Site's perception from the public domain, the main vantage point of the Site is over 500-900 m to the west of the Subject Site near Carroll Park in Casula. With respect to immediate public domain surroundings the proposed Warehouse and Distribution Facilities would be visible from Moorebank Avenue and the Western Ring Road, which traverse the Subject Site. It is therefore noted, that the design of the proposed Warehouse and Distribution Facilities responds suitable to the surrounding context, with due consideration taken with respect to existing and future planned industrial development, as well as surrounding residential receivers. Proposed materials, design innovation, architectural articulation and deep soil landscaping, remodels the visual amenity of the Site.

Additionally, existing views of residential dwellings around Carroll Park will be visually impacted by future developments accruing heights of the maximum 21 m able to be attained in accordance with the LLEP2008 Development Standard. The analysis undertaken by Roberts Day indicates that the proposed High Bay components will constitute only a minor additional built form component, with respect to the future industrial character and built form of the wider Moorebank Intermodal Precinct. As demonstrated Coupled with associated proposed landscape planting and façade design, this will effectively reduce and soften the height impacts on the surrounding receivers.

Roberts Day (2020) further highlight the key mitigation measures to consider as part of the proposal, which include:

- Retaining dense vegetation and established trees surrounding the Site for screening;
- Additional landscaping and well located screen planting to reduce the visual impact in close proximity;

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- Use of native planting to reinforce the character of existing vegetation; and
- Use of façade treatment, articulation and colour selection to blend with the landscape and reduce the height impact.

In terms of potential noise impacts, the proposal's Noise Impact Assessment, prepared by Renzo Tonin (2020), has considered the acoustic wall approved under SSD 7709 along the western boundary of the Subject Site. It is important to strike a balance between a visually pleasing barrier (with landscaping) and an effective sound attenuation measure along this boundary. The architectural design aim to achieve this desired outcome. It is noted, that the acoustic barrier is required to ameliorate and future proof the MPW Subject Site for any future developments proposed, with respect to on-site activities, for which compliance is required to be achieved with the relevant industrial noise criteria.

6.2.5 Geotechnical Assessment

No geotechnical or topographical constraints have been identified that would preclude or restrict the development of the Subject Site. A Geotechnical Report has been previously prepared for the Subject Site under SSD 5066, which concluded that the Subject Site provides an unconstrained platform for development to occur.

6.2.6 Development Control Plan

It is noted, that Development Control Plans do not apply to SSD Applications (including Modification Applications) made pursuant to the SRD SEPP. Notwithstanding, the LDCP2008 is addressed in **Section 5.14** and **Appendix 10**, having regard to the specific controls which apply to the Subject Site, and the level of compliance achieved with regard to the proposed modifications. As noted in **Sections 5.13** and **5.14**, there are no numerical non-compliances with the proposal – despite the increased height, which has been strategically justified (refer to **Appendix 9**); therefore, the subject Modification Application is considered consistent with the objectives of the LDCP2008, which are outlined as follows:

- (a) To provide more detailed provisions for regulating the carrying out of development.*
- (b) To protect and improve the natural environment in the City of Liverpool.*
- (c) To protect and improve the amenity of the City of Liverpool.*
- (d) To protect personal safety and to minimise the risk of damage to areas subject to environmental hazards, particularly flooding.*
- (e) To promote a high standard of urban and environmental design.*
- (f) To conserve, protect and enhance the environmental heritage of the City of Liverpool.*
- (g) To encourage a diversity of housing to meet the needs of the residents of the City of Liverpool.*
- (h) To facilitate development that is environmentally sustainable.*

6.2.7 Surrounding Vehicular, Pedestrian and Cycling Networks

At present, the Site is not directly serviced by public transport operations; however, Casula Train Station and the bus network along both Moorebank Avenue and Anzac Road are within close proximity to the Subject Site.

6.3 TRAFFIC AND TRANSPORT

There is no change to traffic generation under the subject Modification Application. Parking provisions will be maintained as approved. Any future built form works proposed would consider potential traffic impacts via a Traffic Impact Assessment.

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6.4 SOILS AND WATER

All stormwater management outcomes will be generally consistent with that approved under SSD 5066. Accordingly, the stormwater strategy which was established under SSD 5066 would be maintained.

6.5 NOISE

The subject Modification Application does not constitute any proposed works; therefore, there is no change anticipated to the predicted noise levels previously identified under SSD 5066.

6.6 AIR QUALITY AND ODOUR

Given the proposed modifications relate to amendments to the Concept Plan and maximum building height, there would be no additional impacts in relation to air quality.

6.7 BUSHFIRE

In the EIS prepared for SSD 7709 (MPW Stage 2) and the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd (ABPP), they note that the Dry Sclerophyll Forest identified toward the eastern and southern boundaries of the Subject Site; and the vegetation towards the western boundary of the Subject Site (located within the riparian corridor), present potential bushfire threats to the Site.

Notwithstanding, all future built form proposed would be located outside vegetated and bushfire prone areas. Accordingly, the potential bushfire threat to the fixed assets (built form components) during construction is considered to be low. Additionally, the operational phase of the proposed modifications would be considered to be consistent with the objectives of *Planning for Bushfire Protection 2006* (PBP), in that it provides the following:

- Separation distances between fixed assets and bushfire prone vegetation exceed the required defendable space widths;
- Safe operational access and egress for emergency services personnel and residents are available;
- Ongoing management and maintenance measures for bushfire protection; and
- Utility services that meet the needs of firefighters.

It is noted, that the bushfire threat to the fixed assets (rail sidings approved under SSD 7709) is considered to be low; however, there is a risk that ignition of adjoining bushfire may occur from sparks given off by rail cars traversing the Site, for which the proposed modifications should consider for any freight accessing the Site.

Furthermore, it is noted, that the Bushfire Management Strategy implemented for the Subject Site pursuant to the approval of SSD 7709, would be applicable to the proposed modifications, which forms part of the wider MPW Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan (OEMP), which includes a fire safety and evacuation plan.

Further consideration with respect to bushfire impacts is not considered to be required as part of this Modification Application.

6.8 BIODIVERSITY

The proposed modifications would not result in additional biodiversity impacts at the Site, which have been previously assessed under SSD 5066 and SSD 5066 MOD 1.

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6.9 HERITAGE

In a letter of support prepared by Artefact (2020), the proposed modifications are considered with respect to both Aboriginal Cultural Heritage and Non-Aboriginal Heritage (refer to **Appendix 8**).

6.9.1 Aboriginal Cultural Heritage

Artefact (2020) note that the impact assessment previously undertaken across the Site delineated which Aboriginal sites and areas of archaeological potential within MPW would be subject to separate impacts approved under SSD 5066. Additionally, Artefact confirm, that the impact assessment in the Aboriginal Heritage Technical Paper for MPW Stage 2 (SSD 7709) includes the Site and area, for which the proposed modifications are made in relation to.

Therefore, the proposed modifications would not result in any inconsistencies with respect to the previous investigations undertaken on the Subject Site, including any recommendations required to be implemented across the Site.

6.9.2 Non-Aboriginal (European) Heritage

Similarly, with regard to the above-mentioned in **Section 6.9.1**, previous archaeological and historic investigations undertaken on the Subject Site comprised the Site and area, for which the proposed modification are made in relation to.

Therefore, the proposed modifications would not result in any inconsistencies with respect to the previous investigations undertaken on the Subject Site, including any recommendations required to be implemented across the Site.

6.10 WASTE

The findings and recommendations of the Waste Management Plan prepared by Parsons Brinckerhoff, as submitted with SSD 5066 remain generally unchanged for the subject Modification Application.

6.11 UTILITIES

The proposed modifications would not create the need for additional utility services to be provided at the Site.

6.12 BUILDING CODE OF AUSTRALIA AND FIRE ENGINEERING

As there is no change to built form, further consideration in respect of fire safety and the Building Code of Australia is not warranted.

6.13 CUMULATIVE IMPACTS

No foreseeable cumulative impacts would be anticipated as a result of the proposed modifications sought. Rather, the proposed modifications would remain substantially the same development with respect to what was previously approved under SSD 5066 within an area zoned IN1 General Industrial – which, is commensurate with the intended development of the Site and its surrounds.

6.14 SUITABILITY OF THE SITE FOR DEVELOPMENT

The proposed modifications are considered minor in nature and thus remain compliant with the relevant standards and controls listed under LLEP2008 and LDGP2008. Furthermore, the

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outcomes of the proposed modifications would remain generally consistent with the original approval.

6.15 PUBLIC INTEREST

The proposed modifications would not constrain the Site from continuing to be used for its intended Intermodal land use purposes, whilst enhancing the potential yield for employment-generating opportunities across the Site; thereby, allow the Site to meet the strategic land use objectives in the immediate locality within MPW, as well as the wider locality via means of consistency with the relevant Strategic Plans including *A Metropolis of Three Cities* and the *Western City District Plan*.

Additionally, the Site is suitably located geographically with respect to its close proximity to the wider regional road network and residential areas, which maximise the overall strategic land use factors. It is important to note, whilst the overall maximum building height is proposed to be modified, the heights attained in future built form approvals would not pose any unacceptable risks for surrounding landowners, including nearby sensitive visual receivers.

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PART G CONCLUSION

7.1 PROPOSED MODIFICATION JUSTIFICATION

The proposed modification has been prepared taking into consideration the following key matters:

- The development history of the Site;
- Previously approved development in relation SSD 5066;
- The context of the Site and locality;
- The relevant heads of consideration under Section 4.55(2) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- The pre-lodgement planning advice received from the NSW DPIE regarding the proposed modifications sought.

The proposed modifications to Development Consent SSD 5066 Instrument of Approval are considered to be of minor environmental impact, given the extent of changes proposed to the approved development. The development as modified is substantially the same as the original approval, and is therefore considered, that the proposed modifications be supported on the basis that:

- There are no undue visual amenity impacts associated with the proposed amendments; and
- The revised Concept Plan provides for optimal functionality for the end users involved.

Furthermore, the proposed modifications would have no undue impact on the public interest, as it would allow the Site to continue to meet the strategic land use objectives of *A Metropolis of Three Cities*, the *Western City District Plan* and LLEP2008, whilst fulfilling the Site's employment-generating potential, pursuant to the Site's IN1 General Industrial zone.

It is therefore recommended, that the NSW DPIE's favourable determination be given in support of the proposed modifications sought pursuant to SSD 5066.

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Appendix 1
SSD 5066 Instrument of Approval

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Appendix 2
Amended Concept Plan

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Appendix 3
Visual Impact Assessment JN

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Appendix 4
Visual Impact Assessment JR

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Appendix 5
Legal Advice

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Appendix 6
Contamination Letter of Support

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Appendix 7
Flora and Fauna Letter of Support

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Appendix 8

Aboriginal Cultural Heritage and Non-Aboriginal Cultural
Heritage Letter of Support

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Appendix 9

Clause 4.6 Variation Request

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Appendix 10

Liverpool Development Control Plan 2008 Compliance
Table

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Appendix 11
Owner's Consent