



Moorebank Precinct East – Stage 2 Modification 4

State Significant Development Modification Assessment

Modify the conditions of consent to exclude the Target warehouse carpark “Area 1” from the requirements to provide landscaped bays in car parks to include canopy trees for shade, and allow for the provision of alternate landscaping in that area.

(SSD 7628 MOD 4)

January 2021

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Moorebank Precinct East Stage 2 – MOD 4

Subtitle: Modify the conditions of consent to exclude the Target warehouse carpark “Area 1” from the requirements to provide landscaped bays in car parks to include canopy trees for shade, and allow for the provision of alternate landscaping in that area.

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (January 2021) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CoC	Condition of consent
CPP	Community Participation Plan
Council	Liverpool City Council
Crown Lands	Crown Lands, DPIE
AWE	Department of Agriculture, Water and the Environment (formerly DoEE)
Department	Department of Planning, Industry and Environment
DPI	Department of Primary Industries, DPIE
DRG	Division of Resources & Geoscience, DPIE
EESG	Environment, Energy and Science Group, DPIE
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces

NRAR	Natural Resources Access Regulator, DPIE
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW
UDLP	Urban Design and Landscape Plan

Contents

1	Introduction	1
1.1	Background	1
1.2	Approval history.....	3
2	Proposed modification	6
3	Strategic context.....	8
4	Statutory context	9
4.1	Scope of modifications	9
4.2	Consent authority	9
4.3	Mandatory matters for consideration.....	9
5	Engagement.....	10
5.1	Department's engagement.....	10
5.2	Summary of submissions	10
6	Assessment	11
6.1	Landscaping and amenity	11
6.2	Other Issues	13
7	Evaluation.....	14
8	Recommendation.....	15
9	Determination.....	16
	Appendices	17
	Appendix A – List of referenced documents	17
	Appendix B – Modification report.....	17
	Appendix C – Instrument of Modification	17

1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (**SSD 7628**) consent for Moorebank Precinct East Stage 2 at Moorebank Avenue, Moorebank.

The modification application seeks approval to amend condition B140(e)(vi) in relation to car park landscaping to allow for the "Area 1" car park to provide landscaping in its current form. The Applicant notes this exception to the condition is necessary to allow for the Planning Secretary to consider the approval of the Urban Design and Landscape Plan in its current form.

The application was lodged on 30 October 2020 by Aspect Environmental Pty Limited on behalf of SIMTA, as Qube Holdings Limited (the 'Applicant'), under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The MPE site, including the MPE Stage 2 site, is located approximately 27 kilometres (km) south-west of the Sydney central business district (CBD) and approximately 26 km west of Port Botany, in the Liverpool local government area (LGA) (**Figure 1**).

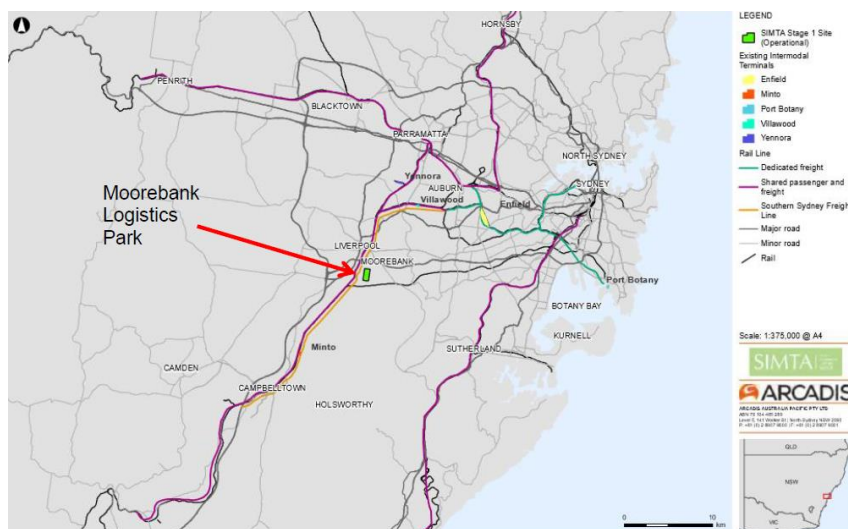


Figure 1 | Moorebank Logistics Park location (Source: Applicant's Modification Report)

The site is located approximately 2.5 km from the Liverpool city centre and approximately 800 m south of the intersection of Moorebank Avenue and the M5 Motorway. The location of the site is shown in **Figure 2**.



Figure 1-1: Site Location

Figure 2 | MPE site local context (Source: Applicant's Modification Report)

The MPE site most recently operated as the Defence National Storage and Distribution Centre (DNSDC). The Department of Defence vacated the site prior to approval of MPE Stage 2 and relocated their operation to the Defence Joint Logistics Unit (DJLU), immediately north of the MPE site. To the north, beyond the DJLU, is the Yulong Business Park, a 200 ha industrial precinct, which supports a range of uses including freight and logistics, heavy and light manufacturing, office and business park developments.

The majority of the land surrounding the MPE site is owned and operated by the Commonwealth and comprises:

- the Moorebank Precinct West (MPW) site, formerly the School of Military Engineering (SME), on the western side of Moorebank Avenue directly adjacent to the MPE site

- the Holsworthy Military Reserve, to the south of the MPE site on the southern side of the East Hills Rail Corridor
- Residual Commonwealth Land (known as the 'Boot Land'), to the east of the MPE site between the site boundary and the Wattle Grove residential area.

The area immediately south of the MPE site, in the southern part of the 'Boot Land', includes an existing rail spur within heavily vegetated remnant bushland. Other flora in the vicinity of the Proposal, but outside the MPE Stage 2 site, includes riparian vegetation along the banks of the Georges River before giving way to highly disturbed land used as part of the Glenfield Quarry and Glenfield Waste Facility operation.

1.2 Approval history

MPE Concept Plan (MP 10_0193)

On 29 September 2014, the then Planning Assessment Commission (the Commission), as delegate of the Minister for Planning, approved a Concept Plan (MP 10_1093) for the use of the site as an intermodal facility, including:

- a rail link to the Southern Sydney Freight Line within an identified rail corridor
- warehouse and distribution facilities
- freight village (ancillary site and operational services)
- stormwater, landscaping, servicing and associated works.

On 12 December 2014, the Commission approved the first modification to the Concept Plan approval (MP 10_0193 MOD 1) for revisions to the land description, voluntary planning agreement and statement of commitments.

On 31 January 2018, the Commission approved a second modification to the Concept Plan approval (MP 10_0193 MOD 2). The modification approval included provision for the concept of subdivision, subject to a future staged development consent.

On 31 January 2020, a third modification (MP 10_0193 MOD 3) to the Concept Plan approval was approved, to extend the construction and operational footprint at the southern extent of the MPE site, to facilitate onsite detention (OSD) basin number 2 (OSD 2).

MPE Stage 1 (SSD 6766)

On 12 December 2016, the Commission, as delegate of the Minister for Planning, approved a Stage 1 SSD application (SSD 6766) for the construction and operation of the following within the MPE site:

- an intermodal terminal facility operating 24 hours per day, 7 days a week handling a container freight throughput of up to 250,000 twenty-foot equivalent units (containers) per annum, including:
 - truck processing and loading areas
 - rail loading and container storage areas
 - an administration facility and associated carparking

- a rail link running adjacent to the East Hills Rail Line, connecting the southern end of the site to the Southern Sydney Freight Line
- associated works including rail sidings, vegetation clearing, remediation and levelling works, drainage and utilities installation.

MPE Stage 2 (SSD 7628)

On 31 January 2018, development consent was granted by the Commission for Stage 2 (SSD 7628) of the MPE component of the Moorebank Intermodal Terminal. Subdivision of the MPE Stage 2 site was excluded from the Commission's original determination.

Determination of the subdivision component was approved by the Commission on 5 April 2019, as a partial development consent to SSD 7628 (MPE Stage 2 subdivision development consent).

Key components of the MPE Stage 2 Project include:

- earthworks, including the importation of 600,000m³ of fill, and vegetation clearing
- warehousing and additional ancillary offices, comprising approximately 300,000m² gross floor area (GFA)
- freight village, comprising 8,000m² GFA of retail, commercial and light industrial land uses
- establishment of an internal road network, and connection of the Project to the surrounding public road network
- ancillary supporting infrastructure within the Project site
- upgrade to Moorebank Avenue, including upgrading existing intersections along Moorebank Avenue
- operations being undertaken 24 hours per day and seven days per week.
- subdivision of the MPE site into five lots.

The Applicant has commenced construction on the MPE Stage 2 Project.

The MPE Stage 2 original development consent has previously been modified once and two modifications are currently under assessment (see [Table 1](#)).

Table 1 | Summary of Modifications

Mod No.	Summary of Modification	Approval
MOD 1	A section 4.55 (1A) application seeking modifications to signage controls (CoC B141(f)), timing for intersection design approvals and upgrades (B13) and biodiversity credit requirements (B104) in addition to an update to cross referencing of conditions.	Under assessment by DPIE

MOD 2	A section 4.55 (1A) application seeking modification to the construction and operation boundary, and stormwater infrastructure design requirements (B40(c)(iii)).	Approved 31 January 2020 by DPIE
MOD 3	A section 4.55(1A) application seeking modification to create four lots as part of the subdivision of two lots within the MPE Site, to facilitate the intended establishment and operation of the rail corridor access. Additionally, the application seeks to modify the compliance monitoring and tracking requirements of SSD 7628 by modifying the frequency of construction compliance reporting.	Approved 18 December 2020

2 Proposed modification

The proposed modification seeks to amend the consent under section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to amend condition B140(e)(vi) in relation to car park landscaping, to allow for “Area 1” car park to provide alternative landscaping.

Condition B140 of the MPE Stage 2 consent sets out the requirements for the Urban Design and Landscape Plan (UDLP) for the site. The condition sets a series of requirements for the final design of the site, including requirements for the final form of the car parks.

Currently, the “Area 1” car park does not follow the prescription contained within condition B140(e)(vi), which requires car parks on the site to provide a landscaped 2.5 m wide bay every 6 to 8 car spaces, including canopy trees for shade. Instead, the “Area 1” car park involves:

- a landscaping corridor of approximately 1.5 m wide by 186 m in length, adjacent to the northern boundary of the Area 1 car parking area
- a typical tree spacing of every 9-10 m for canopy tree planting (generally every 4 car spaces)
- no trees planted adjacent to the southern row of parking.

Figure 3 illustrates the current landscaping which applies to the Area 1 car park.

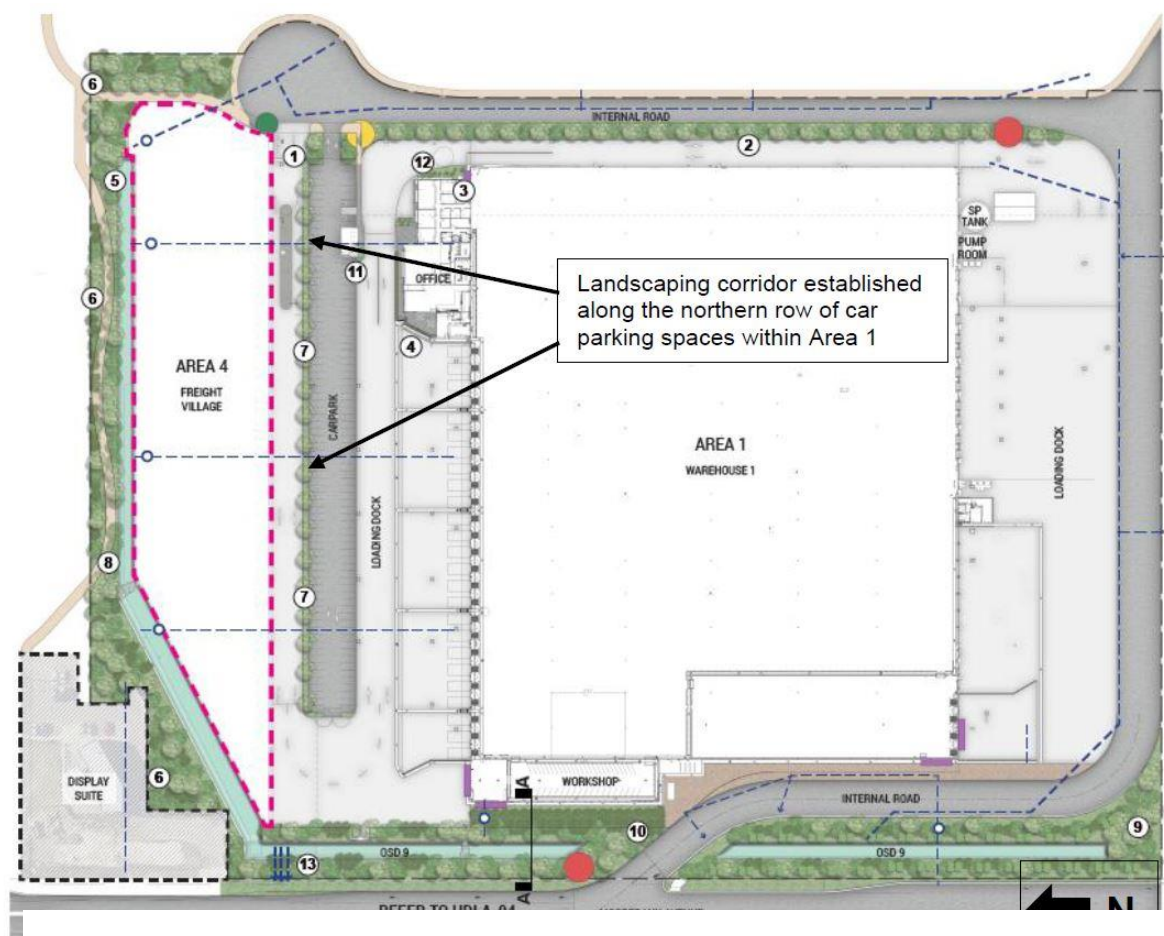


Figure 3 | Area 1 Landscape Masterplan

The Department notes approval was issued for the Urban Design and Landscape Plan (UDLP) for Area 1 (Warehouse 1) of MPE on 5 June 2020 under condition B140, however, excluding condition B140(e)(vi) due to this non-compliance.

As the Planning Secretary does not have the authority to approve an Urban Design and Landscape Plan, which does not comply with condition B140(e)(vi), the Applicant notes they seek to modify the wording of the Condition of Consent to allow for the current car parking and landscaping within Area 1 to be permissible under an exception to the condition. This will enable the Planning Secretary to consider approval of the UDLP provisions in its current form.

3 Strategic context

The Moorebank Intermodal Precinct is identified as an 'important freight and logistics precinct' in *Building Momentum: State Infrastructure Strategy 2018 – 2038* (INSW, 2018). The Strategy indicates that the terminal is one of the 'highest priority investments necessary to achieve a target of carrying 40 per cent of containerised traffic on rail to and from Port Botany' to alleviate existing congestion on the road network around the site.

Future Transport 2056 (TfNSW, 2018) emphasises the need for safe, efficient and sustainable movement of freight, and sets a series of future directions for investigation including expanding intermodal rail capacity in Western Sydney. The *NSW Freight and Ports Plan* (2018) concludes that intermodal terminals within Greater Sydney are 'critical for increasing the utilisation of the rail freight network, particularly containers to and from Port Botany'.

The Greater Sydney Commission's (GSC) *The Greater Sydney Region Plan – A Metropolis of Three Cities*, notes that freight volumes are forecast to 'almost double in the next 40 years' and 'increasing importance [is being] placed on 24/7 supply chain operations to maintain Greater Sydney's global competitiveness.' The Region Plan notes that 'substantial future industrial land supply', including the Moorebank Intermodal Precinct, 'will support large-scale logistics growth'.

The GSC's *Western City District Plan* states:

- *Investment in potential dedicated freight corridors will allow a more efficient freight and logistics network.*
- *Moorebank Intermodal Terminal is currently under construction in Western Sydney, and will provide an integrated service including interstate terminals, warehousing, retail and service offerings, and rail connection to the Southern Sydney Freight Line, which also provides dedicated freight rail access all the way to Port Botany.*
- *Transport for NSW and the Australian Government are committed to supporting efficient movement of goods close to the Moorebank Intermodal Terminal by facilitating freight rail and road access.*

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application involves minimal environmental impact as the proposal:

- would not significantly increase the environmental impacts of the project as approved
- is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of Section 4.55(1A) of the EP&A Act, does not constitute a new development application, and the application can be assessed and determined under section 4.55(1A) of the EP&A Act.

4.2 Consent authority

The Minister will be the consent authority under section 4.5(a) of the EP&A Act.

Minister's delegate as consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Deputy Secretary, Assessment and System Performance, may determine the application as a political disclosure statement has not been made.

4.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 7628. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15(1) of the EP&A Act and/or conclusions made as part of the original assessment.

5 Engagement

5.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) EP&A Act modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 10 November 2020 and referred to Liverpool City Council for comment.

5.2 Summary of submissions

Liverpool City Council did not provide a submission on the proposal. Council noted no comments were provided given the minor nature of the proposal and lack of adverse impacts.

6 Assessment

The Department considers the merits of the application in accordance with the relevant matters under section 4.55 (1A) and the objectives of the EP&A Act. The Department considers that the proposed changes are administrative and minor in nature.

6.1 Landscaping and amenity

The assessment report for the MPE Stage 2 application identifies the need for the design and landscaping of the project components to respond to challenges associated with the urban heat island effect, whilst reducing the visual impact of the project. Consequently, the report recommended *'increased canopy tree planting and screen landscaping around buildings and roads to increase hard stand and building shading and increased evaporative processes'*.

Condition B140 (e)(iv) of the consent was applied to assist in meeting this condition, which requires the site car parks to include a 2.5 m wide landscaped bay every 6-8 car spaces which incorporates canopy trees for shade. The Department notes that the broader objectives of this provision is to ensure the site's urban design assists in mitigating impacts of the urban heat island effect and visual amenity impacts resulting from the project.

The Applicant asserts that the current non-compliant landscaping on the Area 1 carpark provides an enhanced landscaping outcome from what could be achieved under strict compliance with condition B140(e)(iv). The Applicant considers that additional mature trees provided as part of the alternative landscaping achieves a greater amount of canopy shade, increasing shading for cars and the carpark. Further, the site orientation and sun patterns under the current carparking scheme will result in, over the long term, anticipated shade from mature canopy trees to generally extend across the full width of the car parking area. Given the north to south orientation of the Area 1 carpark and resulting sun patterns, the Department considers that the proposed alternative landscaping scheme, over the longer term, would provide an acceptable amount of shading within the southern bays on the southern row of the car parking, enhancing the amenity experienced within the car park.

Figures 4 and 5 below illustrate the Applicant's predicted shading to be achieved under the proposed alternative landscaping after 5 and 15 years of installation.

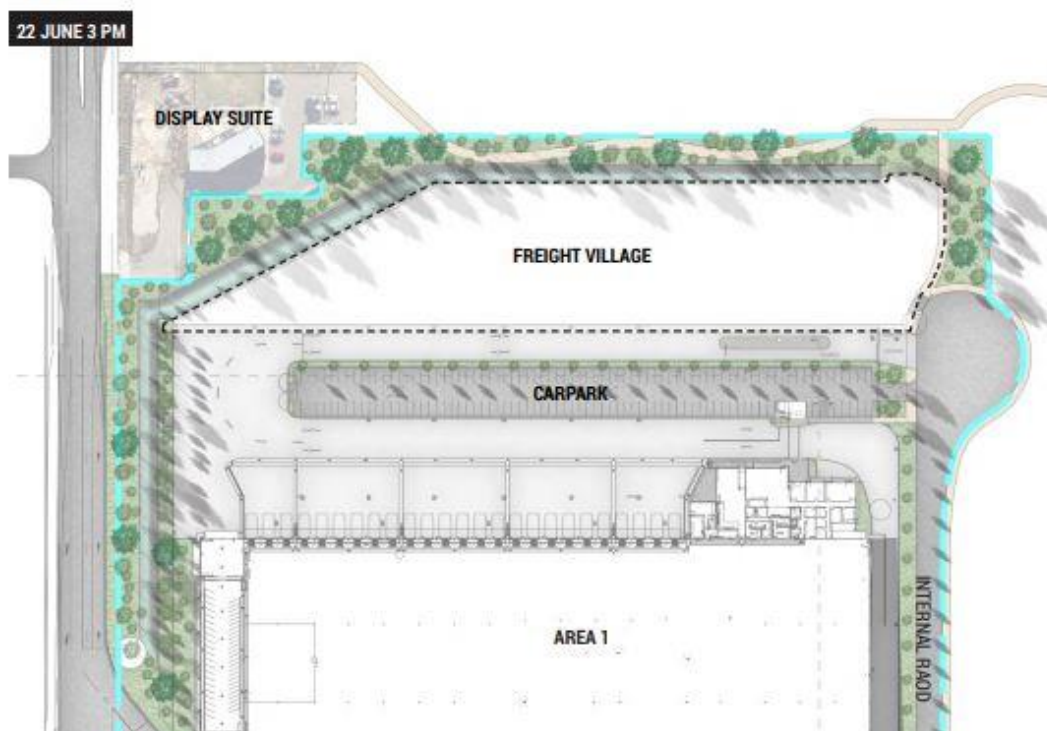


Figure 4 | Area 1 landscaping anticipated shading 5 years after installation

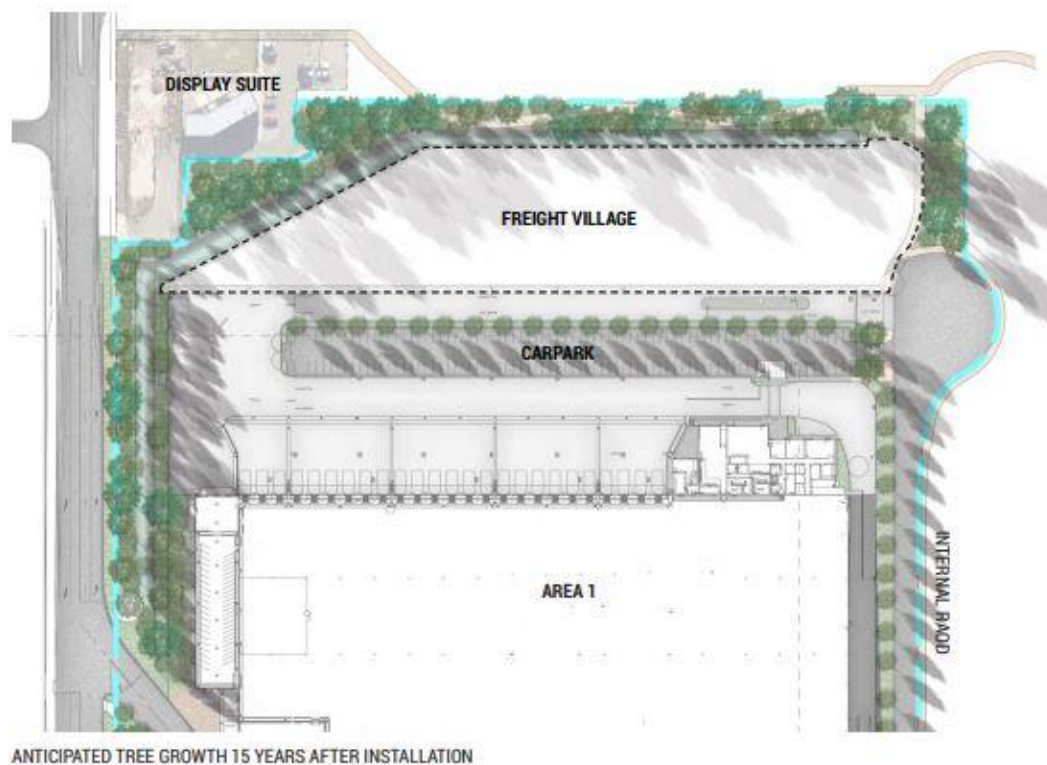


Figure 5 | Area 1 landscaping anticipated shading 15 years after installation

As such, the Department is satisfied that the proposed alternative landscaping scheme would achieve the broader objectives of the condition.

6.2 Other Issues

Issue	Findings	Recommended Condition
Balance of the MPE site	<ul style="list-style-type: none"> The Applicant notes that the UDLP for the remainder of the site has been consolidated and shows the relationship of approved areas 1 and 2 with the balance of site. The modification report highlights that the consolidated UDLP shows that landscaped bays have been incorporated into carparking areas across the remainder of the site, with the exception of Area 1. The Applicant has advised there is no intention to extend the proposed exemption of B140(e)(iv) for Area 1 to other areas of the site. 	<ul style="list-style-type: none"> The Department is satisfied the proposed amendment will not impact on the balance of the MPE site, and no other areas within the precinct are subject to exception of condition B140(e)(iv).

7 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposal would not result in any additional environmental impacts
- the development to which the modification relates remains substantially the same
- the proposal will ensure the Area 1 carpark complies with condition B140(e)(iv) as modified.

Consequently, it is recommended that the modification as recommended be approved.

8 Recommendation

It is recommended that the Deputy Secretary, Assessment and System Performance, as delegate of the Minister for Planning and Public Spaces:

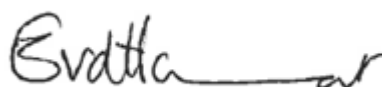
- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7628 MOD 4 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a biodiversity assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values of the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent SSD 7628;
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Nichola Cook
Student Planner
Social and Infrastructure Assessments

Recommended by:



Erica van den Honert
Acting Executive Director
Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'David Gainsford', written in a cursive style.

19/01/2021

David Gainsford

Deputy Secretary

Assessment and System Performance

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendices should follow this general layout but may be modified for specific reporting needs where necessary:

Appendix A – List of referenced documents

Attachment A – Planning Assessment Commission (now Independent Planning Commission)
Development Application Assessment Report

<https://www.planningportal.nsw.gov.au/major-projects/project/3881>

Appendix B – Modification report

<https://www.planningportal.nsw.gov.au/major-projects/project/40526>

Appendix C – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/40526>