

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant infrastructure
Application number and project name	SSI-10053 Moorebank Avenue Realignment
Proponent	Sydney Intermodal Terminal Alliance, a wholly owned subsidiary of Qube Holdings Limited
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Infrastructure Assessments as delegate for the Minister for Planning and Public Spaces under the Instrument of Delegation dated 26 April 2021 has, under section 5.19 of the Environmental Planning and Assessment Act 1979 (the Act), approved the infrastructure application subject to the recommended conditions.

A copy of the instrument of approval and conditions is available [here](#).

A copy of the Department of Planning & Environment's assessment report is available [here](#).

Date of decision

14 October 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters listed in the statutory context section of the Planning Secretary's Assessment Report
- the objects of the Act
- all information submitted to the Department during the assessment of the application
- the findings and recommendations in the Planning Secretary's Assessment Report
- the views of the community about the project (see Attachment 1)

The findings and recommendations set out in the Planning Secretary's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the application are as follows:

- the project would deliver the following key benefits:
 - operational efficiencies to the terminals within Moorebank Logistics Park, which:
 - provide for shorter, more efficient, and direct travel routes for container-carrying vehicles between the rail link and terminals
 - minimise secondary and non-value creating freight movements by facilitating a direct access between Moorebank Precinct East (MPE) and Moorebank Precinct West (MPW)
 - potentially facilitate future automation of the precinct
 - maintenance of a north/south connection between Cambridge Avenue and Anzac Road, and the Glenfield and Moorebank communities
 - enhanced road network capacity and connectivity, improving the efficiency of community, freight and commercial vehicle movements, broadening trade catchments and reducing overhead costs associated with transport
 - redistribution of traffic (including heavy vehicles) from local to arterial roads, improving the amenity and safety of the environment and enhancing access and connectivity
 - general improvements in the capacity, reliability, connectivity, and safety of the road network
- the project is consistent with key government policies and strategies including:
 - Building Momentum: NSW State Infrastructure Strategy 2018-2038 (Infrastructure NSW, 2018)
 - A Metropolis of Three Cities – the Greater Sydney Region Plan (Greater Sydney Commission, 2018)
 - Western City District Plan (Greater Sydney Commission, 2018)

- Western Sydney City Deal (Commonwealth of Australia, 2018)
- NSW Key Freight Routes Road Expenditure and Investment Plan (Transport and Infrastructure Council, 2016)
- Moorebank Intermodal Terminal Road Access Strategy (TfNSW, 2019)
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the Proponent's response to submissions and environmental management commitments, and the recommended conditions of approval
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Environmental Impact Statement was publicly exhibited from 17 March to 13 April 2021 (a total of 28 days) on the Department's website. During the exhibition period, the Department received 17 unique submissions, and advice from ten government agencies. One submission was from local council, four from special interest groups, 11 from community members, and one was from the local State Member of Parliament. No submissions supported the proposal, 16 submissions objected to the proposal, and one submission provided comments only. The local council and government agencies did not object to the proposal.

Due to the timing of the exhibition period and assessment during the COVID-19 pandemic, standard exhibition procedures such as displaying physical copies of the EIS for public inspection at local libraries and council offices, and community information sessions were unable to proceed in a COVID-safe manner to comply with NSW Government Public Health Orders.

No community information sessions were held due to the COVID-19 restrictions.

The key issues raised by the community and considered in the Planning Secretary's Assessment Report and by the decision maker include noise and vibration, traffic and transport, and biodiversity.

Issue	Consideration
<p><u>Noise and vibration</u></p> <ul style="list-style-type: none"> Impact of noise on residential properties in particular concerns for Wattle Grove residents Further noise mitigation measures required for residents of Wattle Grove Potential noise increases due to idling of vehicles sitting in traffic. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Current background noise levels in residential locations are consistent with quiet suburban locations Noise during the noisiest construction phase at the closest residential location is expected to reach 55 dB but significantly below (20 dB) the "highly noise affected" level (75 dB) at all locations No residences are in areas that would be subject to vibration impacts Traffic noise at the nearest residential location is not expected to change between opening and 10 years after opening, with daytime noise predicted to be 46 dB and night-time 42 dB which is below the criterion that would require consideration of mitigation for suburban areas. <p><i>Recommended Conditions / Response</i></p> <ul style="list-style-type: none"> Standard daytime construction hours are recommended Clear justification should be provided why work outside the standard hours is required, other than convenience, such as to sustain operational integrity of road, rail and utility networks Construction noise during daytime would be manageable to limit impacts at all residential locations Noise management conditions are recommended that reinforce the objective of minimising construction noise for the community to the greatest extent practicable, while factoring in cumulative construction impacts and the provision of respite Operational traffic noise is expected to be below the relevant noise criterion for a new road and therefore noise mitigation is not required in accordance with the <i>NSW Road Noise Policy</i> (EPA, 2011) Noise at the Defence Joint Logistics Unit (DJLU) buildings would be subject to higher noise levels due to proximity to the road (58 dB in at opening and in 2034). A small section of noise barrier is proposed near the access to the DJLU. This barrier is subject to a separate agreement based on the sensitivity of the activities that occur in those buildings.
<p><u>Traffic and transport</u></p> <ul style="list-style-type: none"> Impacts to the operation of other local roads due to construction and operation 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Construction would not change the level of service for key intersections on the surrounding road network

Issue	Consideration
<ul style="list-style-type: none"> • Additional travel distance and times – alternatives not fully considered. Truck and train access already possible to MLP • Congestion around signalised road intersections and road design. 	<ul style="list-style-type: none"> • Construction traffic increases and disruption are unlikely to be perceptible to road users • Additional travel time and distances are likely • Liverpool City Council and TfNSW argue for no traffic signals to four new intersections along the realignment and the use of priority-controlled intersections. <p><i>Recommended Conditions / Response</i></p> <ul style="list-style-type: none"> • Measures would be implemented to maintain access, safety and manage construction traffic interfaces with other projects under concurrent construction. These include use of safety barriers, traffic controllers, prioritisation of pedestrians and no marshalling or queuing on public roads; they would be detailed in a construction traffic and transport management plan. The existing Moorebank Avenue alignment would remain operational during construction, and therefore impacts on general through traffic, on-street parking, and emergency vehicle access would be unlikely • The additional distance of the route is generally unavoidable due to the route selection set out under the voluntary planning agreement and previous intermodal terminals approvals. The increase in travel time could discourage road users from using the proposal and seek to use alternative routes such as the Hume Highway or the M5 Motorway, thereby limiting future traffic growth • The use of signalisation for the intersections could have safety, queuing, and operational benefits. However, ultimately the detailed design of the road and intersections would be subject to further post-approval development, consultation, and agreement with relevant agencies, including TfNSW and Defence • To further minimise road network performance impacts and risk, a condition that requires the preparation of an Operational Road Network Performance Review has been recommended.
<p><u>Biodiversity</u></p> <ul style="list-style-type: none"> • Threatened flora and fauna at risk and fragmented during clearing and operation • Increased risk of fauna vehicle strikes and fatalities • Concerns over extent and level of offsets required • Impact of clearing plant community types (PCT) • Impacts to native species protected under the EPBC Act. • Impact to the site previously set aside as a biobank, resulting in the loss of old Cumberland Plain Woodlands and more than 40 hectares of koala habitat. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposal would have direct and indirect impacts to the biodiversity values, including threatened ecological communities (TECs) and threatened fauna and flora species listed under the NSW <i>Biodiversity Conservation Act 2016</i> (BC Act) and the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) • The proposal would impact on potential foraging, breeding and roosting habitat of threatened fauna and potential locations of threatened flora species. The revised Biodiversity Development Assessment Report (BDAR) addresses potential impacts to threatened flora and fauna species in accordance with the Biodiversity Assessment Method (BAM), identifying the species known to be present or are likely, predicted or assumed to occur • The proposal would remove 6.71 hectares of habitat containing koala feed trees and 11.85 hectares of koala habitat would be directly or indirectly impacted • The Boot Land is already disconnected from surrounding native vegetation by the East Hills rail corridor, the MLP and other residential and industrial development • The proposal would cause further habitat fragmentation and reduced habitat connectivity within the Boot Land • Some impacts to biodiversity values would be offset under the Biodiversity Offsets Scheme, by acquiring and retiring ecological and species credits available on the biodiversity credit register or paying into the Biodiversity Conservation Fund.

Issue	Consideration
	<p><i>Recommended Conditions / Response</i></p> <ul style="list-style-type: none"> • The Proponent has committed to implementing mitigation measures aimed at reducing impacts, including fencing the Biobanking site boundary to minimise access during construction, a system for managing vegetation clearing, weed management to reduce competition for native vegetation, re-vegetating cleared areas at the end of construction, and construction of fencing and culverts to facilitate the safe movement of fauna between fragmented habitats • The Department has recommended conditions which specify retirement of biodiversity credits set out in the revised BDAR, and implementation of measures to manage and monitor the culverts and fauna exclusion fencing during operation • Fragmentation of the Boot Land is appropriately addressed by the Proponent's committed mitigation measure and the recommended conditions which require indirect impacts be addressed through the retirement of all biodiversity credits set out in the revised BDAR.