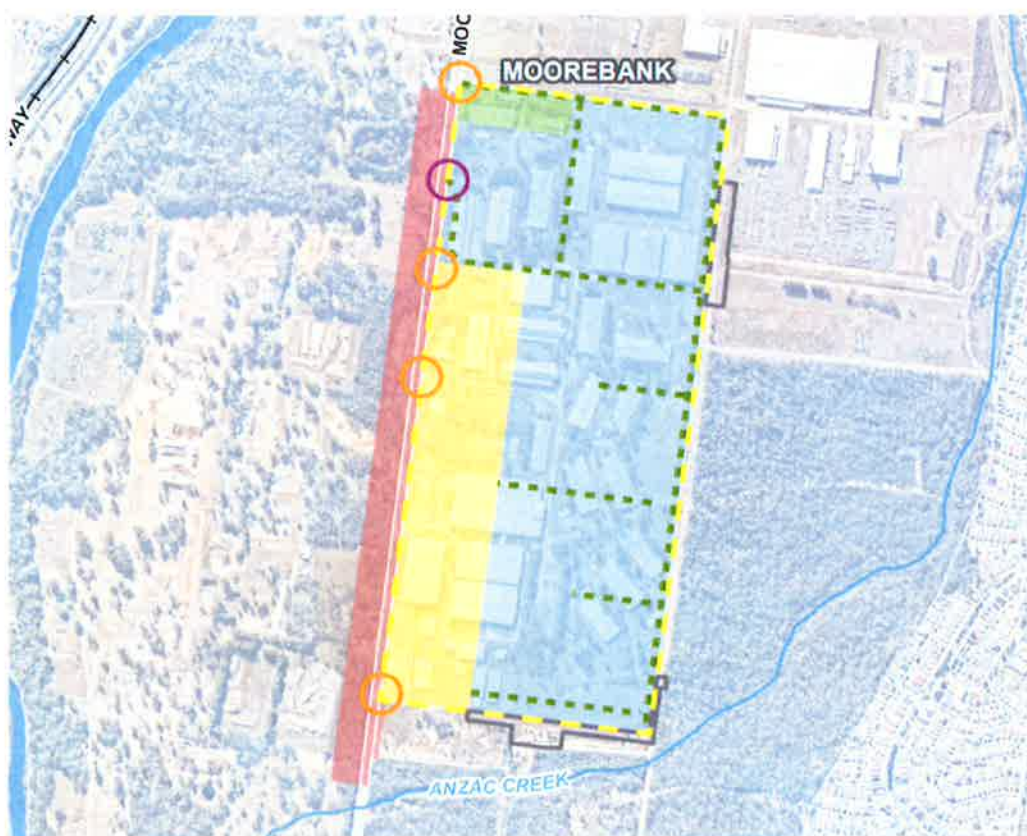


**STATE SIGNIFICANT DEVELOPMENT
Section 75W Modification Application**

**MOOREBANK PRECINCT EAST CONCEPT PLAN
MODIFICATION 2**

MP 10_0193 MOD 2



Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

November 2017

Cover Photograph: Moorebank East Precinct (Source: Applicant's RtS)

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ABBREVIATIONS

ARI	Annual recurrence interval
CBD	Central business district
Concept Approval / Concept Proposal	Approved Concept Proposal for the redevelopment of the site (MP 10_0193)
Commission	Planning Assessment Commission
Consent	Development Consent
Council	Liverpool City Council
DA	Development application
dB	Decibel
DCP	Development Control Plan
Department	Department of Planning and Environment
DJLU	Defence Joint Logistics Unit
DNSDC	Defence National Storage and Distribution Centre
DPI	Department of Primary Industries
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FEAR	Future Environmental Assessment Requirement
GANSW	Government Architect of NSW
GFA	Gross floor area
Ha	Hectares
ICNP	Interim Construction Noise Policy
IMEX	Import/export
INP	Industrial Noise Policy
LEP	Local Environmental Plan
LGA	Local Government Area
LoS	Level of service
Minister	Minister for Planning
MPE	Moorebank Precinct East
MPW	Moorebank Precinct West
NML	Noise Management Level
OEH	Office of Environment and Heritage
OSD	Onsite detention
PMF	Probable Maximum Flood
Applicant	SIMTA, as Qube Holdings Limited, or anyone else entitled to act on this consent
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SoCs	Statement of Commitments
SSD	State significant development
Stage 1 Approval	the approved Stage 1 DA for the MPE site comprising an intermodal terminal
Stage 2 Application	the concurrent Stage 2 DA for the MPE site (refer to Section 1.4.1)
TEU	Twenty-foot equivalent unit
TfNSW	Transport for New South Wales
ToA	Term of Approval
TSC Act	<i>Threatened Species Conservation Act 1995</i>
VENM / ENM	Virgin excavated natural material / excavated natural material

EXECUTIVE SUMMARY

SIMTA, as Qube Holdings Limited (the Applicant) seeks approval to modify the Concept Approval (MP 10_0193) for the Moorebank Precinct East (previously known as SIMTA Intermodal Facility) at Moorebank, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

On 29 August 2014, the Planning Assessment Commission (the Commission) approved a Concept Plan for development of an intermodal facility including an intermodal terminal facility, rail corridor, warehouse and distribution facilities and freight village.

This modification application seeks approval to:

- increase of the MPE site area and amend the site boundary to include works on Moorebank Avenue and drainage works to the south and east of the site
- upgrade works to Moorebank Avenue, including widening to four lanes, from the northern to southern extent of the site
- a diversion road and interim access to the MPE site area along Moorebank Avenue during the upgrade works
- provision of interim site access for warehousing from Moorebank Avenue
- reconfiguration of internal road layouts and use of all internal roads by both light and heavy vehicles
- importation of approximately 600,000 m² of clean fill for bulk earthworks within the site and part of Moorebank Avenue
- revised warehousing and freight village locations and layouts
- revision of the proposed staging of the project
- subdivision of the site following development.

The application was publicly notified between 14 December 2016 and 24 February 2017. The Department of Planning and Environment (the Department) received a total of 207 submissions, including 199 from the public and eight from public authorities. An additional four submissions from public authorities were received in response to the Applicant's Response to Submissions (RtS).

The key issues raised in the submissions include traffic, biodiversity, contamination, access, importation of fill, health, noise, out of hours construction, air quality, visual impact, consultation, subdivision, the planning process and property values. The Department has considered these issues in its assessment, along with the amended Concept Approval layout, freight village land-use, expanded site boundary and staging of the development.

The Concept Approval is generally divided into two sections:

- Terms of Approval (ToA), that set out what works are approved at the Concept Plan level
- Future Environmental Assessment Requirements (FEARs), to set out the requirements for what needs to be assessed for future Development Applications (DAs).

The modification is being assessed concurrently with a DA for MPE Stage 2, which seeks approval for construction and operation of warehousing and the freight village. For the purposes of this assessment report, the MPE Stage 2 DA is considered a 'future DA' that would be required to be generally in accordance with the ToA and assessed in accordance with the FEARs.

The Department has reviewed the traffic impacts of the modification, which primarily relate to the upgrade of Moorebank Avenue, impacts of fill importation to establish the site, and the proposed interim site access near the north of the site. The Department considers that the delivery of Moorebank Avenue and importation of fill to the site has been assessed at a satisfactory level for inclusion in the Concept Approval, but recommends FEARs that specify the level of assessment that must be provided in a future DA so that detailed mitigation and management measures can be finalised.

The Department recommends, however, that the concept plan should not be modified to include the proposed 'interim' site access. The Department recommends that that access should be assessed, and demonstrated to be appropriate, in a future DA. The Department considers that the original concept plan was informed by detailed analysis of the ultimate access arrangements off Moorebank Avenue, and more information would be needed to alter the concept plan at this stage. However, it would be acceptable for the Applicant to provide that detail, and assess the interim site access, as part of a future DA, and the Department has recommended FEARs to require that detail and assessment be provided.

The Department has reviewed the proposed uses of the freight village, and considers that more justification would be required to modify the concept plan to allow the expansion of land-uses within the freight village. It is important that the Applicant demonstrate that the freight village is ancillary to the intermodal development, or has a nexus to the intermodal development, in line with past approvals for the site. While the Department recommends that these uses should not be added to the Concept Approval at this stage, it is appropriate that the Applicant be allowed to establish this connection in a future DA, and the Department has recommended FEARs that would require this.

The Department recommends that the reconfiguration of the Concept Approval land-uses should be approved as part of the Concept Approval. These land uses would provide for an overall improvement to the layout of the development, and would not have adverse amenity or visual impacts. The revised internal road network would have a positive impact on road efficiency without adversely impacting neighbouring residential amenity, provided that internal vehicle and pedestrian access is maintained between the intermodal terminal and other land uses within the MPE site. The Department recommends that ToA 1.2 is amended to require future DA(s) maintain internal access throughout the development, particularly following subdivision.

The Department considers that the overall concept plan layout would be unlikely to cause significant construction and operational noise or air quality impacts, provided that future DA(s) comply with the relevant FEARs. In this regard, the Department recommends that the FEARs require:

- consideration of the need for noise controls on the site's eastern and northern boundaries
- analysis of when construction could acceptably occur outside standard construction hours.

The likely visual impacts associated with the modification are considered acceptable and can be mitigated largely through planting / screening, which would be considered as part of the assessment of future DA(s). In addition, the Department recommends FEAR 2.1 be amended to require additional planting along the site edge and throughout the development.

The Department considers stormwater and biodiversity impacts can be considered as part of the assessment of future DA(s). However, the Department recommends FEAR 2.1 be amended to clarify future DA(s) should consider both direct and indirect biodiversity impacts on flora and fauna.

The Department concludes the amendments to the site boundary would not alter the nature of the development or the conclusions of the Concept Approval in terms of heritage and archaeology, biodiversity, contamination and hazards.

Other issues considered within this report are considered to have been, or are capable of being, adequately addressed. Based on its assessment, the Department considers that the proposed modification is approvable, subject to the recommended conditions.

The Minister for Planning is the approval authority for the application. However, Commission may determine the application under delegation as there are more than 25 public submissions and the Council has made an objection.

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a request to modify the Concept Plan for an intermodal development (known as Moorebank Precinct East or MPE) at land located on the eastern side of Moorebank Avenue at Moorebank (MP 10_0193), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The modification application seeks approval for:

- increase of the MPE site area (from ~83ha to ~95ha) and amend the site boundary to include works on Moorebank Avenue and drainage works to the south and east of the site
- upgrade works to Moorebank Avenue, including widening to four lanes, from the northern to southern extent of the site
- a diversion road and interim access to the MPE site area along Moorebank Avenue during the upgrade works
- provision of interim site access for warehousing from Moorebank Avenue
- reconfiguration of internal road layouts and use of all internal roads by both light and heavy vehicles
- importation of approximately 600,000 m² of clean fill for bulk earthworks within the site and part of Moorebank Avenue
- revised warehousing and freight village locations and layouts
- revision of the proposed staging of the project
- subdivision of the site following development.

The application has been lodged by Tactical Group, on behalf of SIMTA, as Qube Holdings Limited (the Applicant). The site is located within the Liverpool City Council local government area (LGA).

The Concept Plan includes terms of approval that govern the overall MPE project, including detailed stages that require further development consent. The Concept Plan also sets out Future Environmental Assessment Requirements (FEARs) for future Development Applications (DAs) for those stages.

The modification is being assessed concurrently with a DA for MPE Stage 2, which seeks approval for construction and operation of warehousing and a freight village. The Stage 2 application is described further below in **section 1.4.1**. For the purposes of this assessment report, the MPE Stage 2 DA is considered a 'future DA' that would be required to generally accordance with the FEARs.

1.2 Moorebank Intermodal Terminal Precinct

The movement of freight throughout Sydney is currently dominated by road transport. The current projected growth in trade volumes are predicted to lead to an increase in freight movements interstate, intrastate and across the Sydney Greater Metropolitan Area. Going forward, this increase will present substantial challenges for Sydney's road network generally and the efficiency and ability to move freight. To meet this challenge, the Commonwealth and NSW Governments have made a commitment to deliver a new intermodal freight and logistics precinct, to significantly improve the mode-share for moving shipping-containers from road to rail and to increase freight handling capacity at Port Botany.

The Moorebank Intermodal Freight Precinct is located in Western Sydney, south of Liverpool, and is proposed to comprise an interstate, intrastate and port shuttle freight and logistic handling facility for the Sydney Metropolitan Area. The Precinct covers an area equal to 303 hectares and extends from the M5 South Western Motorway and the Defence Joint Logistics Unit (DJLU) site in the north to the East Hills Rail Line in the south. It is divided into two sites known as Moorebank Precinct West (MPW) and Moorebank Precinct East (MPE) (**Figure 1**).

The Moorebank Freight Precinct is owned in part by the Commonwealth Government (which owns the MPW site) and in part by SIMTA, a consortium of Qube and Aurizon (which owns the MPE site).

Two separate concept approvals have been granted for the creation of freight terminals on the MPW and MPE sites, including (refer to **Section** Error! Reference source not found. and **Figure 1**):

- MPW: an import/export (IMEX) Port shuttle freight terminal and a separate interstate / intrastate freight terminal
- MPE: an import/export Port shuttle freight terminal.

On 5 December 2014, the Commonwealth Government and SIMTA announced their in-principle agreement to develop the Moorebank Precinct on a whole-precinct basis.

In accordance with the above announcement, SIMTA is seeking approval to build and operate the intermodal facility and warehousing on the MPW site in addition to the MPE site. In the event that approval is granted, SIMTA would lease the site from the Commonwealth Government and assume responsibility for the development for the project, including all future planning applications, construction, and ongoing operation and maintenance. The Commonwealth Government would oversee the development of the precinct, providing both funding and land for the project.



Figure 1: Moorebank Intermodal Precinct, including the approved MPW (outlined black) and MPE (outlined red) concept layouts (Base sources: SSD 5066 EIS and MP 10_0193 Application)

This modification application relates to the MPE site and a revised boundary that includes part of Moorebank Avenue and part of MPW adjacent Moorebank Avenue. The Department is also assessing separate concurrent applications relating to this site and the neighbouring MPW site, as summarised at **Section 1.4**.

1.3 The MPE site and surroundings

The MPE site is located at Moorebank, approximately 27 kilometres (km) south-west of the Sydney Central Business District (CBD), 18 km south of Parramatta CBD, 30 km south-east of Penrith CBD and 2.5 km south of Liverpool City Centre.

Port Botany is located 26 km to the east of the site (refer to **Figure 2**).



Figure 2: Site location (outlined red) (Base source: Google Maps)

The revised site is generally rectangular in shape being approximately 1.4 km long by 600 m wide and covers an area equal to approximately 83 ha. It is situated between Moorebank Avenue to the west, residual, densely vegetated, Commonwealth Land to the east and south (known as the 'Boot Land'), and the DJLU immediately north and north-east of the site.

The M5 South Western Motorway is located approximately 800 m north of the site and the East Rail Line (ERL) is located approximately 600 m south of the site. The Holsworthy Military Reserve is located beyond the southern side of the ERL.

Until recently, the site was operating as the Defence National Storage and Distribution Centre (DNSDC). However, this operation has been relocated to the neighbouring DJLU site and the MPE buildings, which comprise warehouses of varying sizes, ages and shapes, are currently vacant.

The surrounding area is comprised of a number of different land-uses. To the north, beyond the DJLU, is the Yulong Business Park and a 200 ha industrial precinct, which supports a range of uses including freight and logistics, heavy and light manufacturing, office and business park developments. Other surrounding land uses include the former Royal Australian Engineers Golf Course and residential areas.

The closest residential properties to the site are located in:

- Wattle Grove to the north-east (approximately 360 m)
- Wattle Grove North to the north (approximately 500 m)
- Casula to the west (approximately 900 m)
- Glenfield to the south-west (approximately 1,600 m).

The site and its surroundings are shown at **Figure 3**.

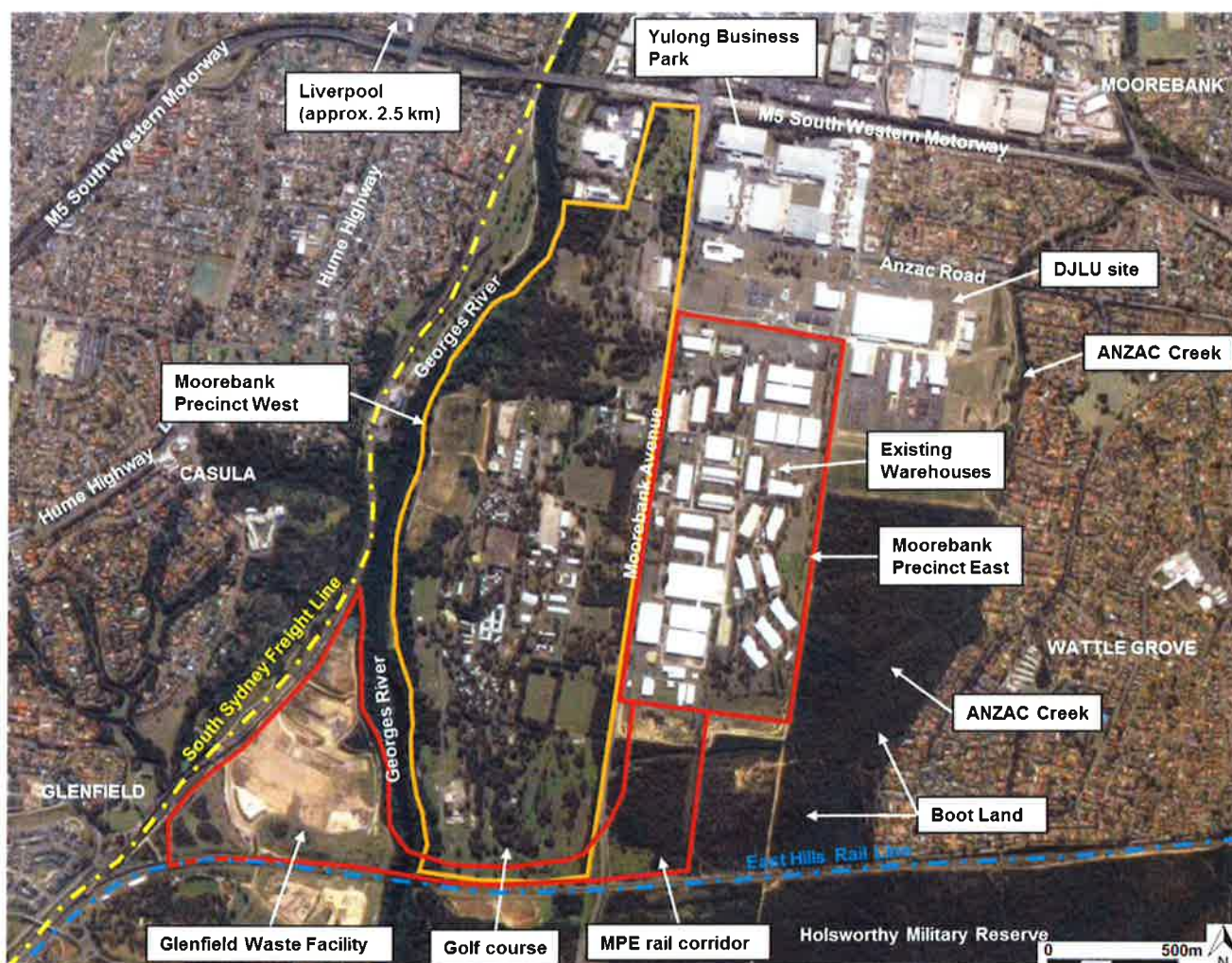


Figure 3: Aerial view of the site and rail corridor (outlined red) and the surroundings (Base source: Google Maps)
Note: The site boundary is proposed to be modified as shown in Figure 8.

The site is located within the Georges River catchment and the Georges River is located approximately 450 m west of the site, along the western edge of the neighbouring MPW site. The Anzac Creek (ephemeral) originates within the MPW site from the cleared/disturbed lands of the former golf-course and flows north-east through the Boot Land, around the southern and eastern boundaries of the site and past Wattle Grove and Moorebank. In addition to these watercourses, the site contains formalised vegetated and concrete lined drainage channels and three outlets channels, which discharge into Anzac Creek and into drainage infrastructure linked to Georges River via the MPW site.

The site's topography is generally flat with a minor ridge running along the central portion of the site parallel to Moorebank Avenue. Despite the Anzac Creek running along its southern and eastern boundaries the site is not subject to flooding.

Vegetation is scattered across the site largely comprising isolated native trees and exotic grasses. Remnant native vegetation in a moderate to good condition exists on the adjoining Boot Land and MPW site. A small pocket of remnant vegetation also exists within the site (refer to Figure 4).

Four plant community types on the site are identified within the definition of threatened ecological communities under the Threatened Species Conservation Act 1995 (TSC Act) and/or the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act), which correspond to the threatened ecological communities: Castlereagh Scribbly Gum Woodland in the Sydney Basin bioregion, Cooks River - Castlereagh Ironbark Forest in the Sydney Basin bioregion, Castlereagh Swamp Woodland, and River-flat Eucalypt Forest on Coastal Floodplains of

the NSW North Coast, Sydney Basin and Southeast Corner bioregions (refer to **Figure 4**). Threatened flora and fauna species have also been recorded within the site and within the neighbouring Boot Land to the east and south, as well the MPW site.

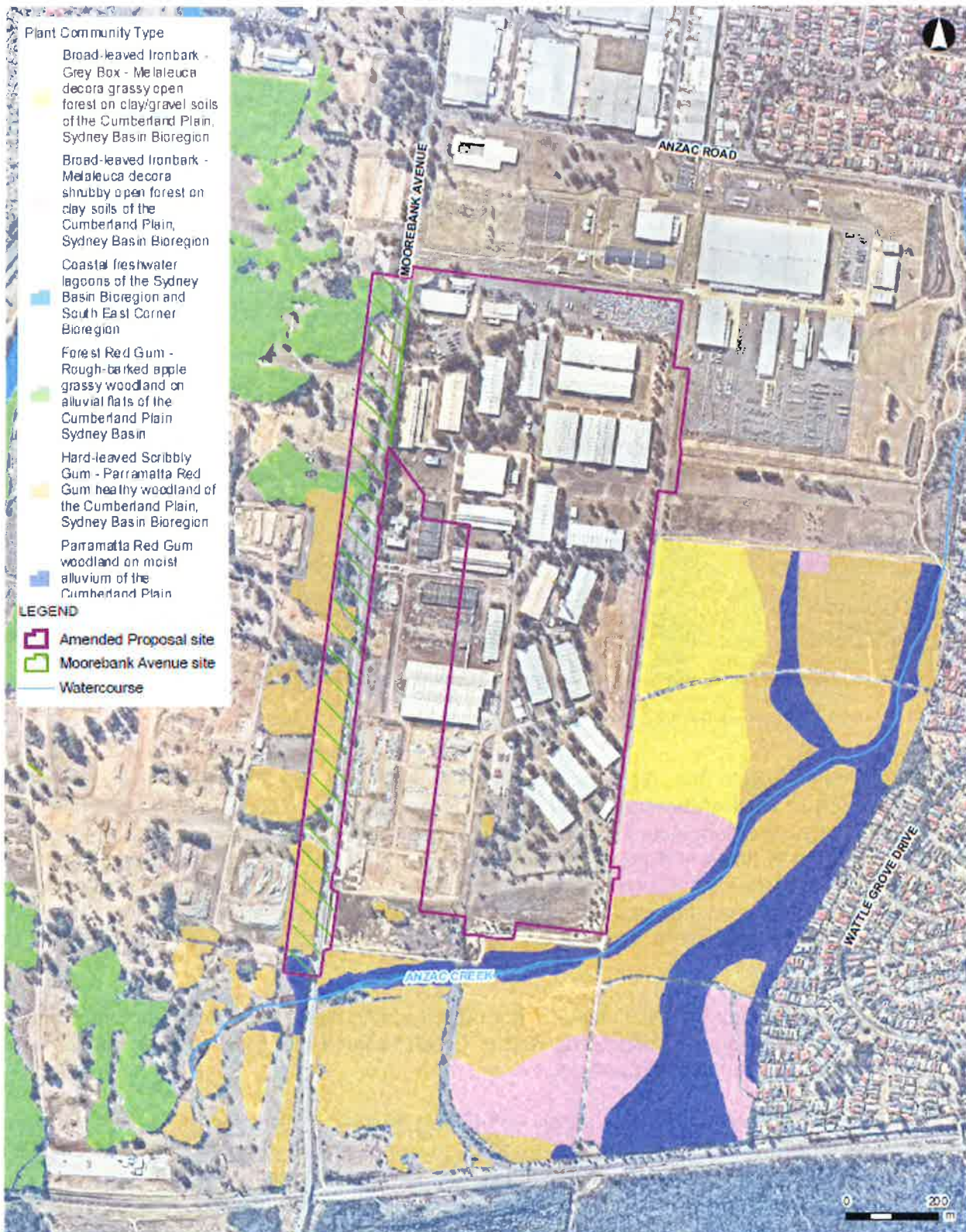


Figure 4: Location of on-site and neighbouring vegetation communities (Base source: Applicant's Updated BAR)

1.4 Relevant planning history

1.4.1 Relevant planning history of the site

On 29 September 2014, the Planning Assessment Commission (the Commission), as delegate of the Minister for Planning, approved a Concept Plan (MP 10_0193) for the use of the site as an intermodal facility (Concept Approval), 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 support services)
- stormwater, landscaping, servicing and associated works.

On 12 December 2014, the Commission, as delegate of the Minister for Planning, approved a modification to the Concept Approval (MP 10_0193 MOD 1), for revisions to the land description, Voluntary Planning Agreement and Statement of Commitments.

The Concept Approval are shown at **Figure 5**.

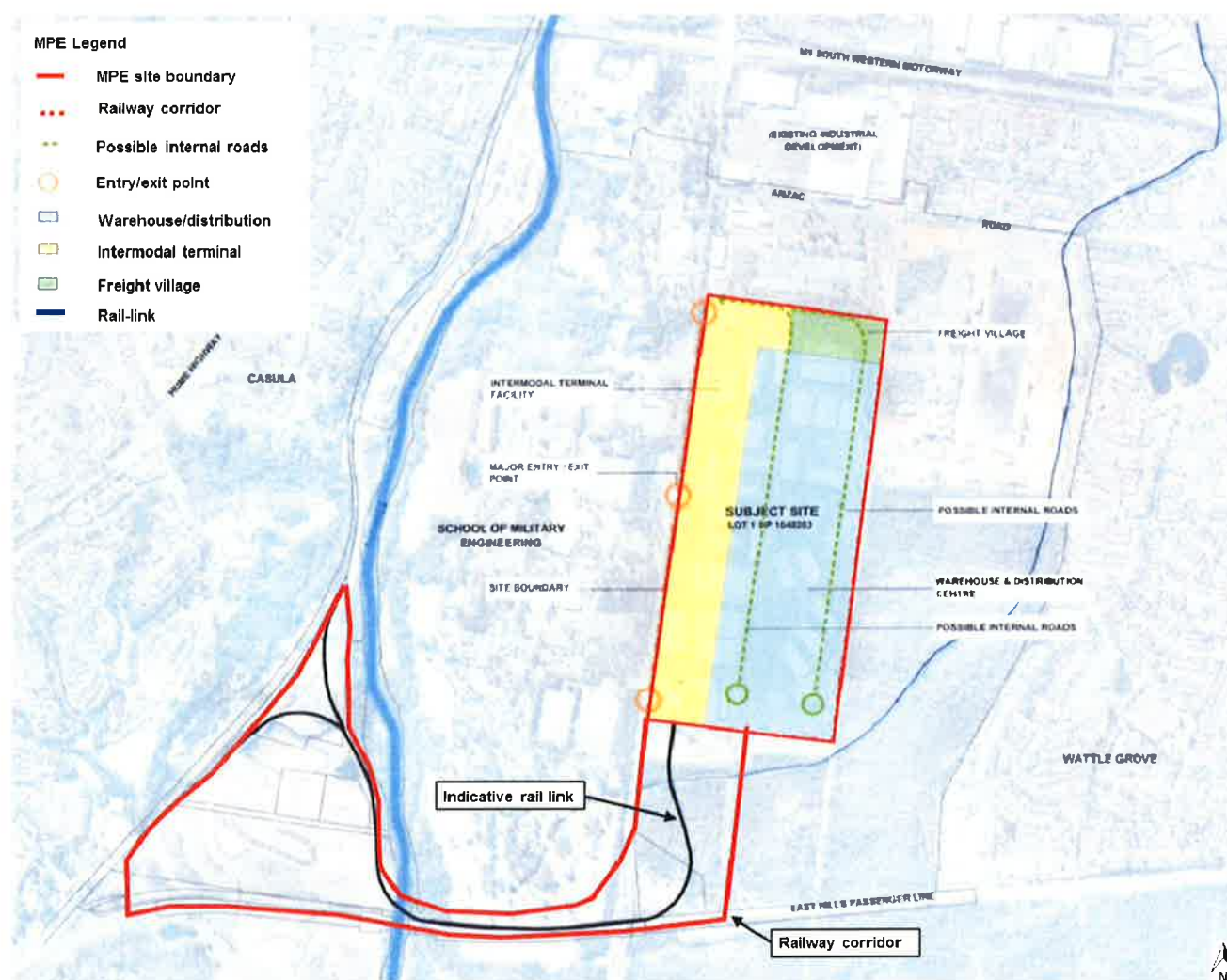


Figure 5: The MPE Concept Approval site layout (and rail corridor (outlined in solid red) (Base Source: Applicant's EA)

On 12 December 2016, the Commission, as delegate of the Minister for Planning, approved a Stage 1 State significant development (SSD) application (SSD 6766) (the Stage 1 Approval) for the construction and operation of the following within the MPE site (**Figure 6**):

- an intermodal terminal facility operating 24 hours, 7 days a week handling a container freight volume of up to 250,000 twenty-foot equivalent units (containers) per annum (pa) including truck

processing and loading area, rail loading and container storage areas, and an administration facility and associated carparking

- a rail link 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.

An appeal was lodged in the Land and Environment Court (LEC) by RAID Moorebank Inc challenging the independent PAC's approval of Stage 1 (SSD 6766). The proceedings were a merit appeal brought against the Minister and Qube Holdings Ltd. At the hearing, RAID did not contend that the development should be refused, only that it be approved subject to different conditions. Evidence from both RAID and Qube Holdings Ltd was filed in the LEC relating to biodiversity and noise associated with Stage 1. The appeal was heard by Commissioner Dixon on 25, 26 and 27 October 2017. The Commissioner reserved her decision at the conclusion of the hearing.

The LEC appeal does not preclude the Department's or the independent PACs consideration of the MPE Concept Approval modification, or PACs determination of the modification.

The Department is concurrently assessing a State significant development (SSD) application (SSD 7628) (the Stage 2 Application) for:

- earthworks including the importation of 600,000 cubic metres (m³) of fill and vegetation clearing
- 300,000 square metres (m²) gross floor area (GFA) of warehouse use
- 8,000 m² GFA freight village
- construction of internal roads and connection to the surrounding road network
- raising the level of and upgrading of Moorebank Avenue generally adjacent to the MPE site
- upgrading of Moorebank Avenue intersections with MPE site access points, including the provision of interim entry point
- ancillary works including stormwater and drainage, utilities relocation/installation, remediation and signage
- subdivision.

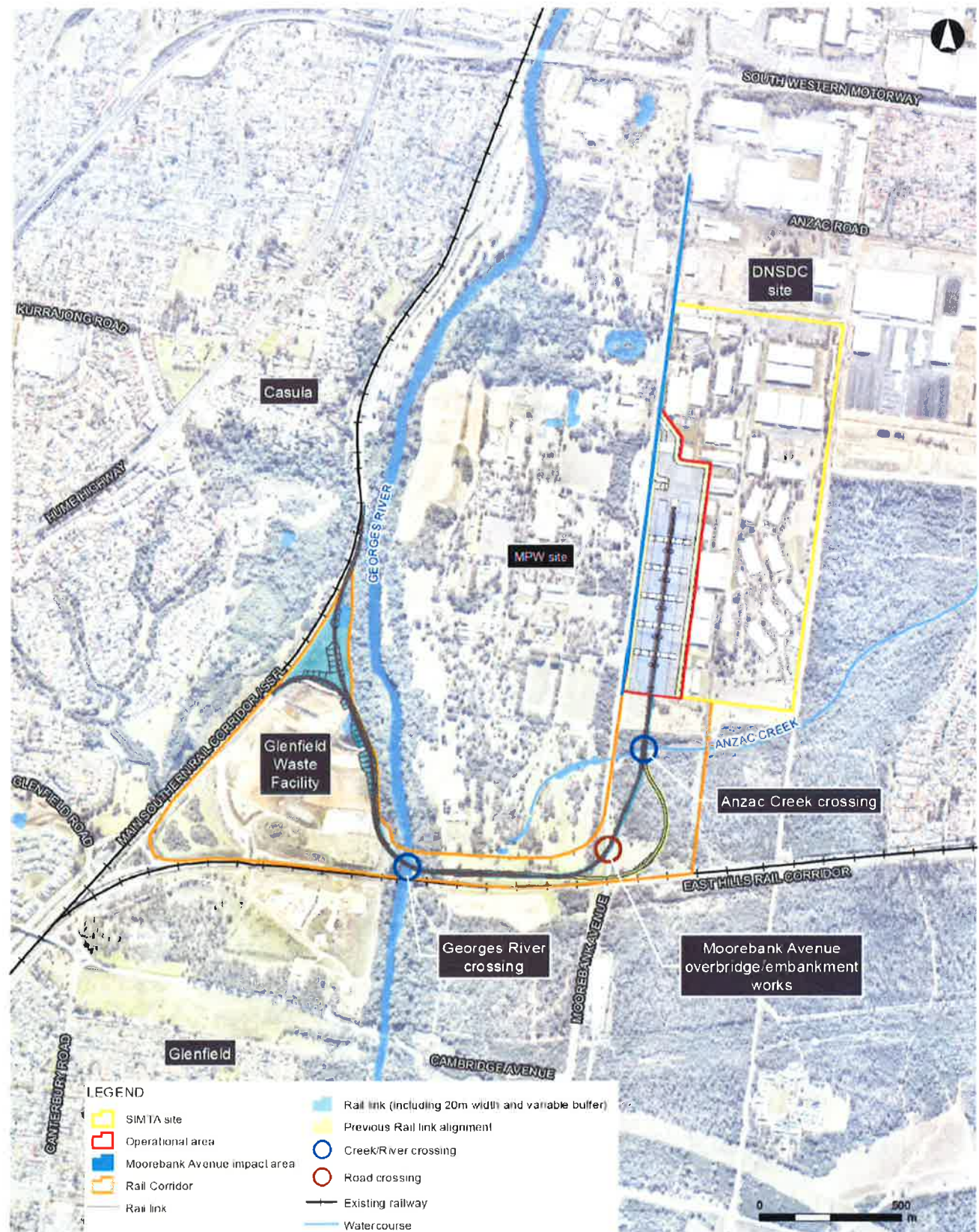


Figure 6: MPE Stage 1 Approval (including rail link) layout (Base source: SSD 6766 RtS)
Note: The site boundary is proposed to be modified as shown in Figure 8.

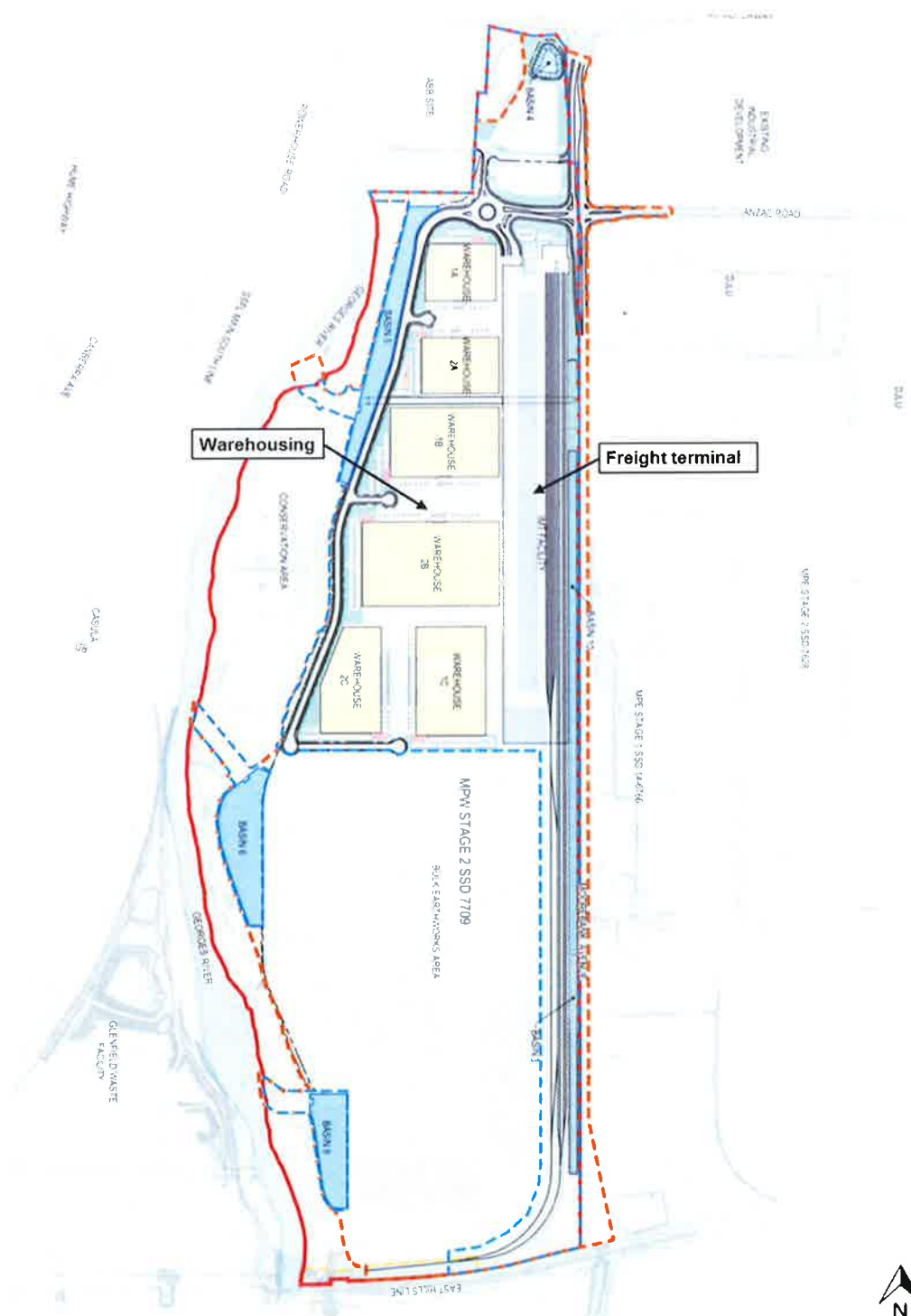


Figure 7: The proposed MPW development (Source: SSD 7709)

2. PROPOSED MODIFICATION

2.1 Description of the modification

On 5 December 2016, the Applicant lodged a modification application under section 75W of the EP&A Act to modify the Concept Approval (MP 10_0193 MOD 2), which was subsequently amended by detailed design revisions within a Response to Submissions (RtS).

The key components and features of the modification (as amended by the RTS) include:

- increase of the MPE site area (from ~83ha to ~95ha) and amend the site boundary to include works on Moorebank Avenue and drainage works to the south and east of the site

- expand the site boundary into MPW to facilitate the diversion of Moorebank Avenue during construction
- upgrade works to Moorebank Avenue from the northern to southern extent of the site
- provision of a new and interim site access
- reconfiguration of internal road layouts and use of all internal roads by both light and heavy vehicles
- importation of approximately 600,000 m² of clean fill for bulk earthworks
- revised warehousing and freight village locations and layouts
- expansion of land-uses within the freight village
- revision of the staging of the project
- subdivision of the site following development.

The extent of the proposed modification is shown at **Figure 8**.

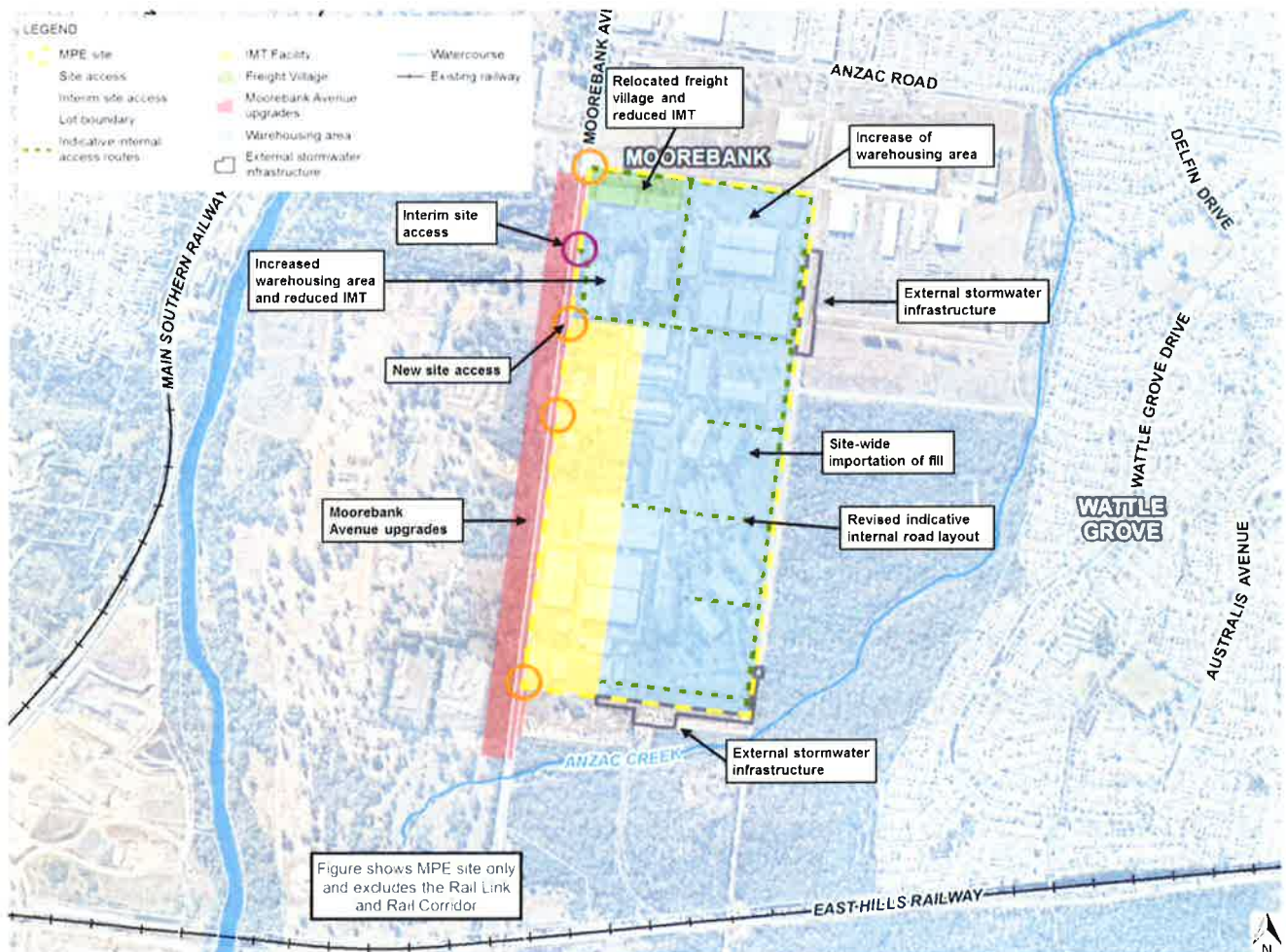


Figure 8: Proposed modifications to the Concept Approval (Base source: Applicant's RTS)
Note: Excludes rail link and rail corridor

3. STATUTORY CONTEXT

3.1. Section 75W

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the EP&A Act.

The modification application has been lodged with the Secretary pursuant to section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including revoking or varying a condition of the approval or imposing an additional condition on the approval.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, this proposal seeks to make substantial changes with regard to the importation of fill, expansion of the site boundary, upgrade works to Moorebank Avenue, rearrangement of warehousing, and modify specific requirements of the approval, which require further assessment and approval.

The Department has considered whether the scale of the proposed changes constitutes a modification rather than a new application. The Department notes the scope of section 75W is broad and is satisfied the application is within the scope of section 75W for the following reasons:

- the proposal remains for a rail link, warehouse and distribution facilities, stormwater and landscaping, and therefore does not change the nature of the Concept Approval
- its environmental impacts can be managed or mitigated generally in accordance with the parameters set by the Concept Approval
- the importation of fill to the site does not change the nature of the Concept Approval.

Having regard to the above, the Department recommends that the Commission can reasonably form the view that the modification request is within the scope of section 75W of the EP&A Act and is capable of being approved as a modification under section 75W of the EP&A Act.

3.2. Consent Authority

In accordance with the then Minister for Planning's delegation to determine section 75W applications, dated 14 September 2011 and effective from 1 October 2011, the Commission may determine this application as:

- Council has made an objection
- there are more than 25 public submissions.

It is noted the Applicant has not made a political disclosure statement.

4. CONSULTATION AND SUBMISSIONS

4.1. Consultation

Under Section 75X(2)(f) of the EP&A Act, the Department publicly exhibited the application from 14 December 2016 until 24 February 2017 (72 days). The application was exhibited on the Department's website, at the NSW Service Centre and at the Liverpool City Council's (Council) office.

The Department placed a public exhibition notice in the Sydney Morning Herald, Daily Telegraph, Liverpool Leader and Campbelltown Macarthur Advertiser on 14 December 2016, and notified adjoining landholders, previous submitters and relevant State and local government authorities in writing.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 5**) and/or by way of recommended conditions in the instrument of consent at **Appendix B**.

4.1.1. Submissions

During the notification period, the Department received a total of 207 submissions, including 8 from public authorities and 199 from the public, which are summarised below. Copies of the submissions may be viewed at **Appendix A** and a summary is provided at **Tables 1 and 2**.

Table 1: Summary of public authority submissions to the exhibition

Liverpool Council (Council)
<p>Council objected to the proposal and provided the following comments</p> <ul style="list-style-type: none"> the application uses out of date processes and procedures and should be reassessed to provide an accurate assessment the proposal would significantly increase on-site dust emissions during construction measures are required to mitigate the impact of contaminants disturbed during the excavation and remediation of soils on site additional information is required on the contamination status and risk associated with possible Explosive Ordinance Demolition and unexploded ordinance located in the northern portion of Moorebank Avenue the import of 600,000m³ is considered a high-risk activity and additional information on the management of contamination risks is required modified construction activities would result in additional noise impacts further information on the impact on Aboriginal heritage items within the proposed extended MPE boundary is required confirmation of the purpose of the interim site access is required further consideration of the impact the expansion of the site boundary for drainage works is required the proposal is not 'substantially the same' as the Concept Approval and section 75W is not the correct planning process to assess the proposal.
Campbelltown City Council
<p>Campbelltown City Council did not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"> the application should confirm the source(s) of the fill to be imported to the site clarification is required of what materials are expected to be unsuitable for disposal at the Glenfield Waste Facility consideration of construction traffic impacts on Campbelltown LGA roads is required and the construction traffic should not use Cambridge Avenue SIDRA traffic modelling should be used in calculating intersection queue lengths and level of service the impact of the use of Double-A vehicles should be considered as part of the traffic assessment the reduction in the number of vehicular access points would have adverse traffic impacts the traffic impact of the new warehousing will be negligible in the context of the Precinct as a whole Campbelltown Council should be included in the list of stakeholders consulted during the design developments stage.
Transport for NSW (TfNSW)
TfNSW did not object to the proposal and provided conditional support based on the temporary nature of the traffic impacts.
Environment Protection Authority (EPA)
<p>EPA did not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"> further justification of out of hours construction works is required and hours of construction should be limited to the standard hours of construction further justification of the methodology/assumptions of noise modelling for operational noise air quality assessment for subsequent project applications should include consideration of maximum daily operational intensity.
Office of Environment and Heritage (OEH)
<p>OEH did not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"> further information is required on the indirect impacts of the proposed fill/earthworks on the neighbouring Boot Land flora studies should be undertaken along the eastern boundary of the site and within the Boot Land the proposal will not result in direct biodiversity impacts.
Department of Primary Industries (DPI)
DPI did not object to the proposal and advised it has no further comments as drainage works and clearing of vegetation has been separately addressed in the Stage 2 Application.
Department of Industry
DOI did not object to the proposal and confirmed it would not have any mineral resource impacts and

there are no current mineral, coal or petroleum titles over the site.
Heritage Council
The Heritage Council did not object to the proposal and stated there would be no greater heritage impact than previous assessed for the Concept Proposal.

4.1.2. Public submissions

Table 2: Summary of the public submissions to the exhibition

Issue	Proportion of submissions
Traffic impacts	44%
General unstated opposition	28%
Site suitability	24%
Ecological and biodiversity impacts	24%
Importation of fill	19%
Pollution and contamination impacts	17%
Health impacts	17%
Noise impacts	16%
Air quality impacts	15%
Light spill	6%

Other issues raised (less than 5%) in public submissions to the exhibition include:

- lack of community consultation
- adverse visual impacts
- hours of operation
- heritage/archaeological impacts
- dangerous goods / hazardous materials
- impact on property values.

Each of the public submissions objected to the proposal.

The Department has considered many of the issues raised in submissions during its assessment of the initial Concept Approval and these issues have been accepted and/or resolved in the assessment and determination of that application, including the suitability of the site for the development. Consequently, the Department has considered the submissions raised insofar as they relate to the specific changes to the Concept Approval proposed by this modification application (in **Section 5**).

4.2. Response to Submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 28 August 2017, the Applicant provided a RTS (**Appendix A**). The RTS provides a response to the issues raised during the exhibition of the proposal. However, it does not include any amendments to the proposal and includes minor amendments to the Statement of Commitments (SoCs) relating to:

- allowing extensions to standard construction hours, subject to future DA(s)
- protection of Isolated Artefacts (archaeology)
- agreement to consult with Campbelltown City Council during the detailed design stage
- plan and document references.

The RTS was made publicly available on the Department website and was referred to the relevant public authorities. An additional 4 submissions were received from public authorities, which are summarised in

Table 3. No submissions were received from the public.

Table 3: Summary of public authority submissions to the RTS

Council
<p>Council considered the RTS and stated that although some issues have been addressed. Council provided the following additional comments on the RTS:</p> <ul style="list-style-type: none"> ambiguity remains about the accuracy of the environmental impacts associated with traffic and 'back of queue' data is required confirmation is required of whether the interim access point would be converted to a permanent access if agreement for shared access is not reached with the DJLU site future DA(s) should include an Area Wide Network Strategy the Construction Noise and Vibration Management Plan should include a requirement to monitor noise at sensitive receivers throughout the construction period further review of the noise impact of diesel powered heavy vehicles the Contamination Report should reference the location and list of historical contaminants further information of the method of governance and quality assurance for the importation of fill is required and a Management Protocol should be prepared.
TfNSW and RMS
<p>TfNSW considered the RTS and reconfirmed its conditional support for the proposal and provided the following comments:</p> <ul style="list-style-type: none"> TfNSW supports the proposal progressing to the Commission on the basis that traffic and transport conditions for the Concept Approval remain unaltered additional detail is required about the raising of Moorebank Avenue (as a result of the importation of fill) and the diversion road. However, this can be dealt with under future DA(s). <p>TfNSW recommended conditions should the application be recommended for approval.</p>
EPA
<p>EPA considered the RTS and recommended:</p> <ul style="list-style-type: none"> the existing Concept Approval conditions regarding air quality be retained future DA(s) should be required to include management measures to prevent exceedances of applicable air quality assessment criteria construction work should be limited to standard hours of construction noise assessments to be undertaken should include a cumulative assessment of both the MPW and MPE sites further clarification is required about noise barrier design.
DPI
<p>DPI considered the RTS and confirmed it has no further comments.</p>

No public submissions were received in response to the RTS.

4.3. Supplementary Information

The Department requested a series of additional information to inform its assessment of the proposal following receipt of the agency submissions. On 10 November 2017, the Applicant collated its submissions in a single Supplementary Information compilation.

The Supplementary Information includes the Applicant's response to agency submissions, and a summary of the findings of an updated Biodiversity Assessment Report (BAR) conducted for the Stage 2 application. The updated BAR includes the results of additional vegetation surveys requested by OEH, as well as a revised assessment of site-wide impacts that include the impact of works west of Moorebank Avenue associated with the Moorebank Avenue Upgrade. The findings of the updated Biodiversity Assessment Report (BAR) relevant to this application are summarised in **section 5.3**.

The Department notes the BAR has been submitted under the Framework for Biodiversity Assessment and NSW Biodiversity Offsets Policy for Major Projects, as the project is a transitional project under Part 7 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2016*.

5. ASSESSMENT

5.1 Key assessment issues

The Department considers the key assessment issues are:

- geotechnical / importation of fill
- biodiversity
- traffic impacts
- air quality impacts
- noise impacts
- amendments to built form and layouts
- stormwater and drainage
- expansion of Concept Approval site boundary
- subdivision.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 5.11**.

5.2 Geotechnical / importation of fill

The modification seeks approval for the importation of 600,000 m³ of fill to the site for bulk earthworks. The fill is proposed to be clean general fill that would meet the definition of Virgin Excavated Natural Material (VENM) and/or Excavated Natural Material (ENM).

The modification does not confirm the depths of the imported fill. However, a cut and fill depth drawing has been provided in support of the Stage 2 Application (**Figure 9**).

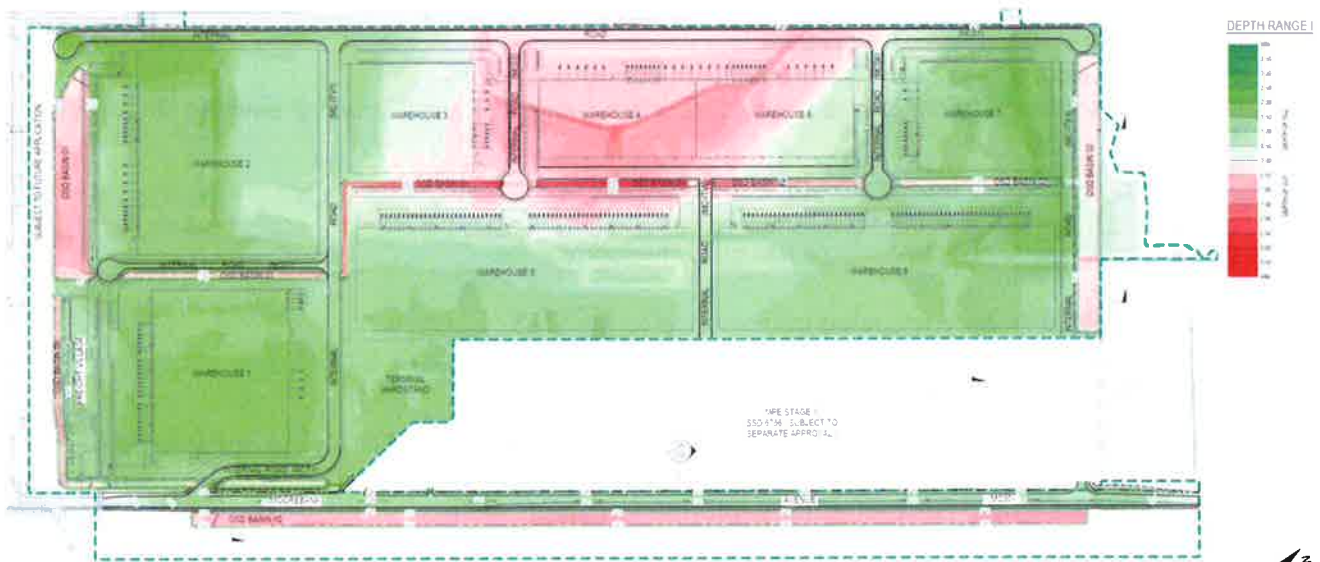


Figure 9: Proposed location and predicted depth of cut and fill (Base source: Stage 2 Application)

Concerns have been raised in public submissions about the impact of the importation of fill to the site. Council has raised concern about the contamination risk associated with the importation of offsite fill and Campbelltown City Council has requested the Applicant confirm the sources of fill.

The Applicant states the importation of fill and associated bulk earthworks is required to facilitate the adequate operation of drainage and flooding infrastructure across the site. In particular, the adjustment of the site's final levels is required to:

- achieve the minimum gradients required for the site drainage infrastructure upstream of the onsite detention (OSD) basins
- ensure the site can be effectively drained in a 100-year annual recurrence interval (ARI) flood event
- bring operational areas of the MPE above the regional probable maximum flood (PMF) levels.

The Department notes that the Concept Approval did not envisage the importation of fill to the site for bulk earthworks. Notwithstanding, FEAR 2.1 *Soil and Water* of the Concept Approval requires future applications to include assessments of surface/groundwater flows, flooding, and contamination.

The Department considers the requirements of FEAR 2.1 are generally sufficient to ensure future DA(s) include adequate assessment of the impact of any importation of fill to the site. However, the Department recommends FEAR 2.1 *Soil and Water* be amended to include additional requirements for future DA(s), including:

- measures to appropriately manage dust arising from the importation of fill to the site
- measures to ensure contaminated fill is not imported to the site
- preparation of fill management protocol detailing the method of governance of fill importation including quality assurance and control measures.

The Department has also considered the immediate impacts relating to the importation of fill to the site and has assessed the impacts in terms of:

- construction traffic, as discussed at **Section 5.4.2**
- air quality, as discussed at **Section 5.5**
- noise, as discussed at **Section 5.6**
- visual impacts, as discussed at **Section 5.7.1**
- stormwater and drainage, as discussed at **Section 5.8**

In light of the above, the Department considers the proposed importation of fill to the site to be acceptable.

5.3 Biodiversity

The modification would facilitate development that would require clearing of all vegetation within the revised project boundary, including threatened ecological communities. The expansion of the site footprint, which now includes land on the MPW site for the diversion road, means that the extent of direct impacts of the proposal are predicted to increase by 4.54 ha. The threatened ecological communities identified as being directly impacted are summarised in **Table 4**.

Table 4: Areas of direct impact by plant community type and TEC

Plant Community Type	Equivalent threatened ecological community	Conservation status	Area of Impact		Total Area of impact
			MPE (Excluding Moorebank Avenue widening)	Moorebank Avenue widening	
Hard-leaved Scribbly Gum – Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin	Castlereagh Scribbly Gum Woodland in the Sydney Basin bioregion	Vulnerable (BC Act) Endangered (EPBC Act)	0.1 ha	3.73 ha	3.74 ha
Broad-leaved Ironbark - Melaleuca decora shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion	Cooks River – Castlereagh Ironbark Forest in the Sydney Basin Bioregion	Endangered (BC Act) Critically Endangered (EPBC Act)	0.05 ha	0 ha	0.05 ha
Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin Bioregion	Castlereagh Swamp Woodland	Endangered (BC Act)	0 ha	0.22 ha	0.22 ha

Forest Red Gum - Rough-barked apple grassy woodland on alluvial flats of the Cumberland Plain Sydney Basin	River-flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and Southeast Corner bioregions	Endangered (BC Act)	0 ha	0.59 ha	0.59 ha
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The updated BAR clarifies that the area required for the Moorebank Avenue Upgrade forms part of the MPE proposal, and incorporates assessment of impacts on that part of the site.

The Applicant acknowledges that the overall proposal would 'result in the removal of structurally intact woodland, highly disturbed areas with scattered trees and landscaped vegetation providing habitat for fauna'. The clearing of this vegetation will result in the loss of sheltering, foraging, nesting and roosting habitat to a variety of fauna, including threatened fauna, and nine trees that are hollow bearing or have bark fissures.

In addition to identifying direct impacts on a number of species within that part of the MPW now included within the modified site boundary, the updated BAR identifies direct impacts on a number of species not previously known to occur within the MPE stage 2 site. These species impacts are summarised in **Table 5**.

Table 5: Impacts to threatened flora species

Threatened Flora Species	Conservation status	Number to be cleared MPE (Excluding Moorebank Avenue widening)	Number to be cleared Moorebank Avenue widening	Total Number to be Cleared	Percentage of known/estimated population on the Amended Proposal site + Boot Land to be cleared
<i>Grevillea parviflora</i> subsp. <i>parviflora</i>	Vulnerable (EPBC Act) Vulnerable (BC Act)	0	79 plants	79 plants	0.58%
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	Not listed (EPBC Act) Critically Endangered (BC Act)	88 plants	22 plants	110 plants	17%
<i>Persoonia nutans</i>	Endangered (EPBC Act) Endangered (BC Act)	4 plants	8 plants	12 plants	6%

The Applicant proposes to provide offsets for impacted flora species within the Boot Land adjoining the site. A biobanking application has been lodged with OEH.

The assessment of ecosystem credit species associated with Plant Community Type (PCTs) indicated that two threatened fauna species (Eastern Freetail-bat (*Mormopterus norfolkensis*) and Little Lorikeet (*Glossopsitta pusilla*)) have a high likelihood of occurrence and a further 10 species have a moderate likelihood of occurrence. Ecosystem credits would be required to offset the impacts to these threatened fauna species.

The Department considers the requirements of FEAR 2.1 remain generally appropriate, however it is recommended that it be amended to clarify that both direct and indirect impacts should be assessed, given the identification of direct impacts associated with the reconfiguration of the Expansion of Concept Approval site boundary and the Moorebank Avenue upgrade works. This would ensure future DA(s) include adequate assessment of biodiversity impacts.

5.4 Traffic impacts

5.4.1 Upgrade of Moorebank Avenue

The modification seeks approval for the upgrade of Moorebank Avenue from the northern to the southern extent of the MPE site, which includes:

- raising the height of the road in accordance with the importation of fill across the site
- widening and alteration of lane configurations
- ancillary infrastructure, including stormwater drainage on the western side of the road
- temporary diversionary access and construction compound within that part MPW adjoining Moorebank Avenue.

TfNSW did not object to the upgrade of Moorebank Avenue and temporary diversionary road works during construction. However, it noted additional detail on the proposal would be required and confirmed it is satisfied this can be provided with future DA(s).

The Applicant stated the modified Moorebank Avenue has been designed to accommodate four lanes over the full extent of the MPE site and the future works would meet Roads and Maritime Services design standards. In addition, the diversion of Moorebank Avenue for upgrade works would be subject to a separate traffic management plan and would include signage and diversion plans to ensure the safe continued operation of the road.

The Department notes, as discussed in **section 5.3**, that the proposed upgrade has the potential to impact on threatened species within and adjacent to the road corridor. The Applicant provided additional information following the RtS to summarise the impact of the works. The additional information acknowledged that the impact would be assessed under the concurrent Stage 2 application, and noted the Applicant's commitment to offsetting the unavoidable impacts.

The Department considers the proposed modification to allow for the upgrade of Moorebank Avenue would lead to:

- the improvement of the road (which is a private road) to RMS standards, which would improve the usability and safety of Moorebank Avenue for project traffic and the wider community
- the detailed design of the road would be provided with future development applications (DAs) and supported by traffic assessments and associated technical justification. The Department notes the concurrent Stage 2 Application includes the detailed design of upgraded road
- any necessary road closures or diversionary works would be temporary in nature and can be managed through appropriate mitigation measures
- the proposal would provide for the offset of threatened species impacts.

The Department notes TfNSW recommended new FEARs in response to the proposed modification of Moorebank Avenue, including that the Applicant enter into a Works Authorisation Deed regarding the design of the road and signals, and prepare a Staging and Construction Traffic Management Plan. The Department agrees TfNSW's FEARs are appropriate and necessary and recommends them accordingly.

The Department is therefore satisfied the impacts of the upgrade of Moorebank Avenue can be appropriately considered as part of future DA(s), and management and mitigation measures developed as part of those applications.

5.4.2 Construction traffic impacts

In its assessment of the Concept Approval, the Department concluded construction traffic impacts would be temporary and could be adequately managed through the preparation and implementation of relevant construction management plans and would be further considered during the assessment of future DA(s). FEAR 2.1 Traffic and Transport includes the requirement for future DA(s) to assess construction traffic impacts.

The modification seeks approval to amend the Concept Approval to allow for the importation of fill to the site and the construction and upgrade of Moorebank Avenue from the northern to the southern extent of the MPE site.

Concern has been raised in public submissions and by Council about the construction traffic impacts associated with the modified development. Campbelltown City Council raised concern about potential traffic impacts on Cambridge Avenue.

TfNSW confirmed it did not object to the proposal and stated construction traffic impacts would be temporary.

The Applicant has submitted a Traffic and Transport Memorandum (TTM) in support of the proposal, which considers the predicted construction traffic impacts arising from the modified proposal. The TTM was based on investigations, modelling and analysis undertaken for the concurrent Stage 2 Application.

The TTM predicts that the majority of staff cars and all construction trucks would access the site from the northern end of Moorebank Avenue. The TTM has also predicted the truck movements during peak construction and in the worst-case scenario, summarised at **Table 6**.

Table 6: Predicted MPE construction traffic movements

Vehicle Type	Two-Way Trips Per Day	Two-Way Trips Per Hour
Heavy Vehicles	1,030	44 – 67 (between 7am – 6pm)
Light Vehicles	430	120 (between 6am – 7am)

The TTM concludes that construction traffic would not have an adverse impact on the performance of key intersections near the MPE site and would operate at an acceptable Level of Service (LoS) during the AM and PM peak periods.

The Department notes the Concept Approval did not envisage the importation of fill to the site or the wholistic upgrade of Moorebank Avenue. In addition, it was concluded the impacts of construction traffic were temporary, could be managed and addressed as part of future DA(s). Notwithstanding, the Department considers that the modification is unlikely to cause significant adverse construction traffic impacts as:

- the TTM has confirmed that construction traffic would not have an adverse impact on the performance of intersections, which are expected to operate at an acceptable LoS
- *FEAR 2.1 Traffic and Transport* requires future DA(s) to include a detailed assessment of construction traffic impacts. In addition, the Stage 2 Application includes a detailed assessment of construction traffic impacts associated with the importation of fill to the site and Moorebank Avenue upgrades during the construction period
- the Applicant's SoCs include a commitment to prepare a Construction Traffic Management Plan (CTMP). In addition, the CTMP would include measures to restrict the heavy vehicle use of Cambridge Avenue through Glenfield to access or egress the site (other than for access to the Glenfield Waste Facility).

The Department maintains its position that construction traffic impacts can be adequately managed through the preparation and implementation of relevant construction management plans and would be further considered during the assessment of future DA(s).

The other modifications to the Concept Approval, including the reconfiguration of the internal road network, layout of the warehousing and freight village, changes to development staging and subdivision are minor and considered to have no or a negligible impact on construction traffic.

5.4.3 Operational traffic impacts and site access

The modification proposes amendments to site access including the provision of a new site access along the northern boundary shared with the adjoining DJLU site, as well as identify the current Stage 2 access as an interim site access point from Moorebank Avenue (refer to **Figure 8**).

Council has requested clarification of the purpose of the revised interim site access point on the northern boundary of the site and Campbelltown City Council has raised concern that a reduction to the number of access points to the site would have an adverse traffic impact. In addition, Council requested confirmation of whether it is intended that the interim site access point be converted into a permanent site access if agreement is reached with the DJLU site.

The Applicant advises that the interim site access has been proposed pending the finalisation of the shared access with DJLU site to the north and modelling indicates the new and interim site access intersections operate satisfactorily.

The Department notes FEAR 2.1 *Traffic and Transport* requires future detailed DAs consider traffic, intersection and road network impacts and include appropriate modelling.

The Department concludes that the Applicant has not provided sufficient justifications / reasons for the proposed interim site access, the likely duration of its use or the timeline for the creation of the permanent site access. In addition, no modelling has been provided to confirm the Applicant's statement that intersections would operate satisfactorily nor has the adjoining land owners consent been granted to the making of the modification application to create a new access point along the northern boundary.

The Department therefore recommends Term of Approval (ToA) 1.1 be amended to confirm that the proposed access points are not approved as part of this modification.

Notwithstanding the above assessment, the Department considers it is appropriate that detailed access arrangements be considered as part of future detailed applications. In addition, the Department notes that the concurrent Stage 2 Application includes an assessment of site accesses. The Department therefore recommends FEAR 2.1 *Traffic and Transport* be amended to require future DA(s) to include an assessment of access points.

Subject to the above ToA and FEAR, the Department is satisfied appropriate access arrangements can be provided to the site.

5.5 Air quality impacts

Air quality was a key consideration of the Concept Approval. In its assessment of air quality, the Department concluded impacts during construction would be managed under the *Protection of the Environment Operations Act 1997* and through a Construction Environmental Management Plan (CEMP). In addition, FEAR 2.1 *Air Quality* of the Concept Approval requires future DA(s) include a comprehensive air quality impact assessment for each stage of the development.

The modification seeks approval for importation of fill to the site and construction of Moorebank Avenue, which has the potential to generate dust emissions beyond what was envisaged by the Concept Approval.

Concerns were raised in public submissions and by Council about the potential air quality impacts. The EPA recommended future DA(s) include consideration of the maximum daily operational intensity and management measures to prevent exceedances of applicable air quality assessment criteria.

The Applicant has provided a Review of Air Quality Impacts (RAQI) in support of the modification, which assesses the construction and operational impacts of the modification. The RAQI has

assessed the proposal against the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW, EPA 2005*. In response to the EPA's comment, the RTS includes updated air quality analysis to address operational intensity.

The Department considers that the modification is unlikely to cause significant adverse air quality impacts as:

- modelling results included in the RAQI (as amended) indicate that the construction phase of the development would continue to comply with the relevant air quality standards for all pollutants including particulate matter and dust deposition
- real-time boundary monitoring would reduce the likelihood of exceedances of the maximum cumulative 24-hour PM₁₀
- FEAR 2.1 requires the preparation of a comprehensive air quality management plan to address air quality impacts associated with the construction and operation of the development
- the SoCs confirm the Applicant will undertake air quality monitoring and prepare a CEMP.

The Department agrees with the EPA that the proposal should not result in an exceedance of air quality assessment criteria and recommends FEAR 2.1 *Air Quality* be updated accordingly.

The Department is therefore satisfied air quality impacts can be appropriately considered as part of future DA(s) and managed and mitigated during construction.

5.6 Noise impacts

5.6.1 Construction and operational noise impacts

Noise was a key consideration of the Concept Approval. In its assessment of noise impacts, the Department concluded impacts during construction may result in noise exceedances up to 9 dB(A) during the construction of the rail sidings. However, as mitigation measures would be implemented to address construction noise this was considered acceptable. In addition, the Department noted construction impacts would be temporary in nature.

FEAR 2.1 *Noise and Vibration* of the Concept Approval requires future DA(s) include a comprehensive noise and vibration impact assessment for each stage of the development to address construction and operational impacts.

The modification seeks approval for the importation of fill to the site, construction of Moorebank Avenue, and amendments to internal road network, all of which have the potential to alter the noise impacts envisaged by the Concept Approval.

Concerns were raised in public submissions and by Council about the impact of construction and operational noise.

The EPA raised concerns about the noise modelling for predicted operational noise impacts and stated:

- a cumulative operational noise impact assessment (MPE and MPW sites) should be undertaken
- further clarification is required about noise barrier design.

Construction noise impacts

The Applicant has provided a Review of Noise and Vibration Impacts (RNVI) in support of the modification, which assesses the construction and operational impacts resulting from the modification. The RNVI provides an analysis of predicted construction noise impacts associated with the modification (**Table 7**).

Table 7: Predicted construction noise impacts (during standard hours of construction*)

Sensitive Receiver	Noise Management Levels (NMLs)	Predicted Noise Levels $L_{Aeq, 15min}$	Exceedance
Wattle Grove	52	38	0 dB(A)
Wattle Grove North	46	35	0 dB(A)
Casula	51	41	0 dB(A)
Glenfield	54	30	0 dB(A)

* consideration of out of hours construction is provided at **Section 5.6.2**

The Department considers the proposed modification is unlikely to cause adverse noise impacts during the construction phase of the development, including the importation of fill, as:

- the RNVI predicts the modified proposal would not result in the exceedance of the recommended NMLs at the nearest sensitive receivers surrounding the site
- FEAR 2.1 requires the preparation of a comprehensive noise impact assessment to address noise impacts associated with the construction and operation of the development
- The SoCs confirm the Applicant will undertake further construction noise assessments at future DA stage, and include management and mitigation measures, such as monitoring and preparation of a Construction Noise and Vibration Management Plan.

Operational noise impacts

The Department notes the modification does not suggest any amendments to the operational components of the Concept Approval, other than amendments to the Concept Approval layout including indicative internal roads and the location of land-uses at the northern end of the site (as discussed at **Section 5.7**).

The Applicant states the amendments to the Concept Approval layout are expected to have negligible operational noise impacts. In addition, the changes to the indicative warehousing layout would provide for additional acoustic shielding from intermodal terminal operations to sensitive receivers at Wattle Grove and Wattle Grove North.

The Department notes the RNVI provides an analysis of predicted operational noise impacts associated with the modification and concludes that there would be an overall reduction in noise impacts by up to 10 dB and the EPA has disputed some of the RNVI assumptions.

The Department has carefully considered operational noise impacts and considers sufficient information has been provided at this preliminary concept stage as:

- detailed operational impacts shall be considered as part of future DA(s), and the Stage 2 Application includes operational noise impact assessment and includes management, mitigation measures (as necessary)
- FEAR 2.1 requires the preparation of a comprehensive noise impact assessment to address noise impacts associated with the construction and operation of the development
- The SoC confirm the Applicant will undertake further operational noise assessments at future DA stage and include management and mitigation measures, such as monitoring, building design, consideration of less noisy operational activities at the north-eastern and south-eastern corners of the site
- the closest sensitive residential receiver is approximately 500 m to the east / north-east of the site and therefore a significant buffer distance is provided to sensitive receivers
- the amendments to the Concept Approval layout provide for an efficient and appropriate layout, as discussed at **Section 5.7**.

The Department notes the modified internal road layout now indicates roads along the eastern and northern boundaries of the site, and the use of these roads by heavy vehicles. To ensure the modification does not result in an adverse increase of noise impacts the Department recommends FEAR 2.1 *Noise and Vibration* be amended to require the Applicant to investigate measures to

ensure the location of roads along the boundary of the site do not result in adverse noise impacts on nearby sensitive receivers.

5.6.2 Out of hours of construction work

The Concept Approval does not include a ToA or FEAR relating to standard hours of construction. However, the SoCs confirm the standard hours of construction are as follows, and works outside these hours are permitted in certain circumstances (refer to **Table 8**):

- 7:00 am to 6:00 pm Monday to Friday
- 8:00 am to 1:00 pm Saturday.

FEAR 2.1 *Noise and Vibration* requires future DA(s) provide justification and detailed assessment of impacts where out of hours construction works are proposed.

The modification includes amended SoCs indicating revised circumstances when extended hours of construction can be considered by future DA(s). A comparison between the approval and modified SoCs, relating to extended construction hours, is provided at **Table 8**.

Table 8: Comparison between the approved and modified SoCs

Concept Approval SoCs	Modification SoCs
<p>Works outside these hours that may be permitted will include:</p> <ul style="list-style-type: none"> • Any works which do not cause noise emissions to be audible at any nearby sensitive receptors. • The delivery of materials which is required outside of these hours as requested by Police or other authorities for safety reasons. Local residents, commercial and industrial premises will be informed of the timing and duration of approved works in accordance with the notification provisions outlined in the CNMP. • Emergency work to avoid the loss of lives, property and/or to prevent environmental harm. Any other work as approved through the CNMP Process • Any other work as approved through the CNMP Process. 	<p>Works may be undertaken outside of standard construction hours, subject to future DA(s) (including noise assessments). Construction works outside of the standard construction hours may be undertaken in the following circumstances:</p> <ul style="list-style-type: none"> • construction works that generate noise that is: <ul style="list-style-type: none"> ○ no more than 5 dB(A) above rating background level at any residence in accordance with the Interim Construction Noise Guideline (ICNG); and ○ no more than the NMLs specified in Table 3 of the ICNG at other sensitive receivers; or • for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or <ul style="list-style-type: none"> ○ where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; ○ works approved through an EPL, or ○ works as approved through the out-of hours work protocol outlined in the CEMP.

Concerns were raised in public submissions about the allowance of construction work outside the standard hours of construction.

The EPA also raised concern that the Applicant has not provided sufficient justification for the principle of out of hours construction work and recommended the construction hours be limited to standard hours.

The RNVI has assessed the impact of out of hours construction works and provides an analysis of predicted noise levels (

Table 9):

- 6:00 am to 10:00 pm Monday to Friday
- 7:00 am to 6:00 pm Saturday.

Table 9: Predicted out of hours construction work noise levels

Receiver	NMLs		Predicted $L_{Aeq, 15min}$ Noise Levels	Exceedance
	Monday to Friday	Saturday		
Wattle Grove	42	47	43	1 dB(A)
Wattle Grove North	41	41	39	0 dB(A)
Casula	42	46	41	0 dB(A)
Glenfield	49	49	30	0 dB(A)

The RNVl concludes that the predicted worst-case construction noise levels would not exceed applicable NMLs, except for a minor 1 dB(A) exceedance in Wattle Grove at weekday evenings.

The Department considers the assessment of out of hours construction works is best considered as part of the assessment of future DA(s) to ensure adequate justification is provided, it can be demonstrated that the impact is reasonable and adequate management is in place and that any out of hours works are in the public interest.

The Department is satisfied that out of hours construction work can be assessed as part of future DA(s) and if permitted, any associated impacts can be managed and/or mitigated.

5.7 Amendments to built form and layouts

5.7.1 Visual impacts

Visual impact was a key consideration of the Concept Approval. In its assessment of visual impacts, the Department concluded the visual impact of the MPE development would be low given:

- the consistency of the development with the existing site and surrounding light industrial built environment
- the minor increase in the visibility of structures could be mitigated by planting within the site and at its periphery to provide visual screening
- the contribution of the cumulative visual impact of the MPE development to the Moorebank Precinct visual impacts would be low given its distance from nearby residential areas and as it would be shielded by the MPW development.

The modification seeks approval for the importation of fill to the site for bulk earthworks, which would result in the increase of the level of the site and edge effects at the edge of site filling. The modification does not confirm the depths of the imported fill. However, a cut and fill depth drawing has been submitted with the Stage 2 Application (**Figure 9**) which anticipates a fill depth up to 3 m.

Concerns were raised in public submissions about the importation of fill to the site and the potential visual impact resulting from the increase of land levels during construction and following completion of the warehousing.

Indicative views of the modified development are provided at **Figures 10 to 13**.



Figure 10: Indicative view looking north-east (Source: Applicant's MPE Stage 2 EIS application)



Figure 11: View looking west across the DJLU site towards the MPE development from the western side of Anzac Creek reserve (Base source: Applicant's MPE Stage 2 EIS application)



Figure 12: View looking west towards the MPE site from Wattle Grove (Source: Applicant's MPE Stage 2 EIS application)



Figure 13: Cumulative view (MPW and MPE) looked east from the open space to rear of properties fronting March Parade, Casula (Base source: Applicant's MPE Stage 2 EIS application)

The Department considers the likely visual impacts of the modified proposal are acceptable as:

- the MPE development would continue to be largely screened by the MPW development when looking east from Casula (**Figure 13**)
- existing and proposed planting would effectively screen the development when looking west from Wattle Grove (**Figure 12**)
- following the importation of fill and associated raising of land height, future planting shall be provided, which will provide the same level of screening as was envisaged by the Concept Approval
- the treatment of the interface between the site and neighbouring sites (i.e. any embankments etc) would be capable of being planted or retaining walls treated to contribute to screening of the development or mitigate visual impact.

To ensure the importation of fill to the site does not have an significant adverse visual impact provided it can be mitigated with screening, the Department recommends FEAR 2.1 *Visual Amenity, Urban Design and Landscaping* be amended to include a requirement for future DA(s) to consider the provision of planting along the site edge and throughout the development.

5.7.2 Reconfiguration of Concept Approval intermodal layout

The modification seeks approval for the reconfiguration of the Concept Approval layout including (refer to **Figure 8**):

- relocation of the freight village from the north-east to the north-west corner of the site (adjacent to Moorebank Avenue) and provision of warehousing in the former location of the freight village at the north-west corner of the site
- reduction in the size of the intermodal terminal facility to accommodate the relocated freight village and additional warehousing area
- amendment to indicative road layouts and the use of internal roads for heavy vehicles.

The Applicant stated that the relocation of the freight village to the north-east corner and at the 'gateway' to the site would improve its operation and viability and capture passing trade. The provision of warehousing in the former freight village location would provide greater sound attenuation to nearby sensitive receivers to the east. The amendments to the internal road network would increase operational efficiency and safety.

The Department considers the reconfiguration of the layout of Concept Approval uses is acceptable as:

- the modified freight village location provides for an appropriate location for this use and increases its setback to Wattle Grove
- the provision of warehousing at the north-eastern corner is appropriate and would have similar visual and amenity impacts
- the revised area for the intermodal terminal facility matches the intermodal terminal layout approved in Stage 1
- the provision of warehousing in the location of the former intermodal terminal area is an appropriate use of land.

The Department considers the amendments to the indicative internal roads are generally acceptable:

- as FEAR 2.1 *Noise and Vibration* requires future DA(s) to assess operational impacts and provide mitigation measures where necessary. This FEAR is considered sufficient to adequately address any noise impacts arising from the relocation of the northern and eastern internal roads closer to Wattle Grove and Wattle Grove North
- provided dedicated service roads continue to provide direct internal access connecting/integrating the intermodal terminal and warehousing
- provided the use of internal roads for light vehicles and pedestrian access pathways provide direct internal access between the various elements of the intermodal, including the freight village.

However, the reconfiguration of the internal road network, and future subdivision of the development, does not clearly demonstrate the adequacy of:

- direct heavy vehicle access between the intermodal terminal and the intermodal warehouses
- internal light vehicle and pedestrian access between the different elements of the intermodal development, including the freight village, warehousing and the terminal.

The provision and maintenance of internal access, to facilitate movements within the intermodal development, is critical to the functioning of the intermodal facility.

The Department considers it is appropriate that the provision and maintenance of internal access arrangements be considered in greater detail as part of future DA(s). The Department has therefore recommended FEARS requiring future DA(s) to outline the arrangements for the maintenance of the internal road networks. The Department therefore recommends FEAR 2.1 *Traffic and Transport* be amended to require future DA(s) to include an assessment of internal access and connectivity between intermodal activities, including the terminal, warehousing and freight village.

5.7.3 Freight village land-uses

The modification seeks approval to expand the land-uses within the freight village to include retail, commercial and light industrial uses, that would not be ancillary to the intermodal activity.

The use of the freight village site was a key consideration in the Department's assessment of the Concept Approval. In finalising its recommendation of that application, the Department considered a supplementary information memorandum provided by the Applicant, which concluded that the freight village was a term to describe land use offering ancillary support services for an overarching 'Value-Adding Terminal' — its description of the Moorebank Precinct as a '*integrated logistics network and exchange between goods transported and distribution, with the inclusion of on-site services such as bonded facilities, warehousing, repairs and cleaning, customs and insurance, and localised worker amenity*'. The Applicant concluded that '*the provision of the Freight Village within the SIMTA proposal is expected to be primarily to service employees of the intermodal terminal and warehousing facilities. It is not envisaged that a large proportion of 'external traffic' would use the Freight Village facility, nor is it SIMTA's intention to preclude the use of the Freight Village by external sources*'. This conceptualisation has guided the Department's consideration of the freight village.

The Department concluded that the site should only be used for an intermodal terminal and the freight village should only provide support services for the intermodal terminal (e.g. site management and security offices, meeting rooms, driver facilities and convenience and business services). Consequently, the:

- Concept Approval development description limits the freight village to uses ancillary to the site and operational services
- ToA 1.12 stipulates that warehousing and distribution facilities must only be used for activities associated with freight using the rail intermodal.

The Department considers that the Applicant has not provided justification for the expansion of land-uses within the freight village in this modification application. The unrestricted expansion of land-uses could allow for the freight village to be used predominately for uses unrelated to, and not supportive of, the intermodal terminal. This could result in potential land-use conflicts or other impacts that would require additional detailed assessment, such as any consequential traffic generation, and conflicts between traffic destined for the freight village and other parts of the development.

The Department considers the proposed expansion of land-uses within the freight village is contrary to the original intent of the Concept Approval, that the site be used as part of an intermodal terminal with ancillary uses. The Department therefore does not agree to the proposed rewording of the description of development to include the expansion of additional land-uses within the freight village.

However, the Department considers that the proposed uses can be considered in a future DA, so long as there can be appropriate safeguards ensuring the freight village does not become a standalone retail or commercial development independent of the intermodal development. The Department does not oppose the additional uses, provided that it is demonstrated that the freight village remains primarily to service employees of the intermodal terminal and warehousing facilities, and the uses retain a connection to intermodal development. Therefore, the Department is satisfied that the additional land uses, including retail, commercial and light industrial, could be considered as part of a future DA where it is demonstrated that they are ancillary to the intermodal development, or there is a nexus to the intermodal development.

The Department also recommends an updated FEAR requiring future DA(s) to demonstrate how compliance with ToA 1.12 will be achieved.

5.8 Stormwater and drainage

Concern was raised in public submissions about the impact of the importation of fill on biodiversity. OEH has raised concern about the impact that cut and fill depths along the eastern and southern boundary of the site would have on the high biodiversity values of the adjoining Boot Land. In particular, sedimentation, weed infestation and changing hydrology. OEH also recommended additional flora survey be undertaken within 30 m of the eastern and southern boundaries of the site.

The Applicant stated the Concept Approval and associated SoCs are adequate to address the potential biodiversity impacts of the proposed modification. Further assessment including consideration of indirect impacts on the Boot Land (including flora surveys) has been undertaken in support of the Stage 2 Application. This assessment was included in an updated Biodiversity Assessment Report submitted on 7 November 2017.

The Department considered vegetation impacts and removal and impact on threatened species as part of its assessment of the Concept Approval and concluded, subject to a biodiversity offset, the impact of the development is acceptable and can be managed. In addition, the preparation of a Vegetation Management Plan (VMP) would ensure impacts on surrounding land are minimised. FEAR 2.1 *Biodiversity* requires future DA(s) to include a detailed flora and fauna impact assessment, appropriate biodiversity offsets and a VMP.

The Department agrees additional stormwater impacts associated with the importation of fill are best considered as part of the wholistic and detailed assessment of future DA(s). In addition, the Department considers FEAR 2.1 *Biodiversity* includes sufficient requirements to ensure and appropriate level of information is provided in support of the importation of fill. For clarity, the Department recommends FEAR 2.1 *Biodiversity* be updated to require future DA(s) to consider both direct, and indirect (i.e. external to the site), impacts on flora and fauna.

The Department is satisfied the stormwater impacts on adjoining land and waterways, associated with the importation of fill to the site, can be assessed as part of future DA(s) and any impacts can be managed and/or mitigated.

5.9 Expansion of Concept Approval site boundary

The modification proposes to extend the Concept Approval site boundary to include (refer to **Figure 8**):

- Moorebank Avenue, from the northern to the southern extent of the MPE site
- Part of the MPW site, to allow for the construction and use of a diversion road during construction of Moorebank Avenue
- two areas located at the north-western and southern sides of the site, for stormwater infrastructure.

The Department notes the expansion of the site boundary would increase the area over which existing archaeological, contamination and hazards and biodiversity could be encountered. The Department has therefore assessed these impacts below.

Heritage and archaeology

Concern was raised in public submissions and by Council about the impact of the modification on indigenous and non-indigenous archaeology and the setting of Glenfield Farm.

The Heritage Council stated there would be no greater heritage impact beyond what was agreed within the Concept Approval.

The Applicant stated the Concept Approval allowed for the removal of some heritage values from the site, which is highly disturbed and modified and generally has a nil-low potential to contain intact archaeological deposits. In addition, the SoCs includes commitments relating to indigenous and non-indigenous heritage and archaeological assessment and mitigation.

The Department notes that heritage and archaeological impacts were considered in detail as part of the Department's assessment of the Concept Approval. The Department concluded the impact on archaeology and non-indigenous heritage items (including complete removal of heritage values from the MPE site) was acceptable. In addition, due to the highly disturbed nature of the site there was a low chance of significant indigenous archaeological finds, other than isolated items of low significance.

FEAR 2.1 *Heritage* requires future DA(s) to include an assessment of impacts on heritage items and archaeology and detail appropriate mitigation measures.

Contamination and hazards

Concern was raised in public submissions about site contamination risk. Council raised concern about contamination and hazards associated within unexploded ordnances.

The EPA has not raised concern about contamination risk associated with the expansion of the site-boundary.

The Applicant stated the modification application has identified contamination and hazard risks

associated with the proposed works on Moorebank Avenue, with further detail in relation to management to be provided as part of detailed applications. In addition, the SoCs include commitments relating to asbestos, dangerous goods, spills, unexploded ordnance and bushfire management.

The Department considered contamination and hazards as part of its assessment of the Concept Approval and concluded contamination and hazards can be appropriately managed in subsequent DA(s). In addition, FEAR 2.1 *Soil and Water*, and FEAR 2.1 *Hazard and Risk* requires the Stage 1 future DA(s) to submit:

- a contamination assessment providing for assessment and remediation where necessary
- a preliminary risk screening in accordance with *State Environmental Planning Policy 33 – Hazards and Offensive Development*.

The Department notes, as discussed at **Section 5.2**, the fill brought to the site would be clean, appropriately tested and have waste classification certificates (or equivalent) and therefore would not pose a new contamination risk to the site.

Biodiversity

Council recommended additional information be provided about the potential impact the expansion of the site boundary for drainage works. DPI is satisfied that the detailed consideration of any additional vegetation clearance and the proposed drainage works can be considered as part of future DA(s).

The Applicant prepared an updated BAR to support the Stage 2 application on 7 November 2017. The BAR sets out the predicted impacts of the changed site boundaries.

As discussed in **Section 5.3**, the Department has considered biodiversity impacts as part of its assessment, and considers that the impacts of expansion of the site can be acceptably managed in future DA(s). FEAR 2.1 *Biodiversity* requires future DA(s) to include a detailed flora and fauna impact assessment, appropriate biodiversity offsets and a VMP.

Department's assessment

The Department notes the modification relates to a Concept Plan only and the detailed design/construction of the development would be subject to future DA(s). In addition, the Department is concurrently assessing the detailed Stage 2 Application, which includes heritage and archaeological, contamination and hazards, and biodiversity assessments and recommends management, mitigation and remediation measures (as necessary). The Stage 2 Application has been publicly exhibited and the Department's assessment of that application will include detailed consideration of these matters and submissions.

The Department considers the expansion of the Concept Approval site boundary would not alter the nature of the development or the conclusions reached in the determination of the Concept Approval.

The Department is satisfied, subject to FEAR 2.1, impacts associated with the expanded Concept Approval site boundary can be appropriately managed, mitigated, where necessary, as part of the determination of the Stage 2 Application and/or subsequent DAs.

The Department recommends FEAR 2.1 *Soil and Water* be amended to require all future DA(s), not just Stage 1, provide an assessment of soil and water impacts

5.10 Subdivision

The modification seeks approval to allow the subdivision of the site and establishment of easements as part of future DA(s).

The Department notes subdivision was not contemplated within the Concept Approval and this

would prevent the future subdivision of land.

The MPE intermodal development is located adjacent to land containing native vegetation with a high bushfire risk and discharges runoff into Georges River and Anzac Creek. Operation of the intermodal will require long term ongoing management of the development to ensure bushfire, biodiversity, water quality and quantity impacts are mitigated and managed. Any future application for the subdivision of the intermodal facility will need to demonstrate that the quality and standard of the management of these issues will not be diminished through the fragmentation of the intermodal development through subdivision.

The ongoing relationship between intermodal terminal, the freight village and the intermodal warehousing is critical to the functioning of the intermodal development, particularly in relation to the reliance on the terminal for the rail freight movements. Any future application for the subdivision will need to demonstrate how these relationships are maintained and also how utility services, vehicle and pedestrian access, including emergency service access, is appropriately maintained through the intermodal estate after subdivision.

The Department considers subdivision is acceptable as:

- it would permit the future subdivision of land, sale / lease of individual buildings and establishment of easements
- subdivision would be subject to future DA(s) for the assessment and determination of Council.

The Department recommends a new FEAR requiring the submissions of details of subdivision as part of future DA(s), including identifying the entity(s) responsible for maintenance of site services and landscaping.

5.11 Other issues

The Department's consideration of other issues is provided at **Table 10**.

Table 10: Department's assessment of other issues

Issue	Consideration	Recommendation
Amendment to staging	<ul style="list-style-type: none"> • The modification seeks approval to amend the staging of the development, by bringing forward the following works from Stage 3 to Stage 2: <ul style="list-style-type: none"> ○ warehouses and ancillary offices and freight village ○ establishment of internal road network ○ partial upgrade of Moorebank Avenue ○ ancillary MPE infrastructure. • The Applicant stated the proposed amended staging would not result in any new noise, air quality or traffic impacts beyond what has been approved by the Concept Approval. • The Department notes the staging plan submitted in support of the Concept Approval was indicative, and includes three overall stages, comprising: <ul style="list-style-type: none"> ○ Stage 1: MPE intermodal terminal and ancillary works ○ Stage 2: the central portion of intermodal terminal warehousing / distribution facilities, and south eastern large format warehousing and ancillary infrastructure ○ Stage 3: all remaining warehousing, extension of intermodal terminal and all remaining infrastructure. • The Department considers the modified staging is acceptable as: <ul style="list-style-type: none"> ○ the modification relates to the scheduling of specific works with Stages 2 and 3 and does not amend the overall number of indicative stages ○ the amendment of staging would not result in additional impacts above those already approved by the Concept 	No additional conditions or amendments are necessary.

Issue	Consideration	Recommendation
	<p>Approval. In addition, future DA(s) will include detailed assessment of construction impacts and include mitigation measures where necessary</p> <ul style="list-style-type: none"> bringing the proposed works forward would reduce the construction timeframe of the development and therefore the duration impacts on the surrounding area. The Department concludes the modification of staging is therefore minor in nature and acceptable. 	
Community consultation	<ul style="list-style-type: none"> Concern was raised in public submissions about the extent of community engagement and public consultation of the application. The Applicant has confirmed that it undertook consultation with key stakeholders and agencies during the preparation of the modification application to inform the planning for MPE. A program of community consultation was also carried out in addition to the public exhibition of the proposal, which included: <ul style="list-style-type: none"> newsletter distributed to 10,000 households surrounding MPE in November 2016 and March 2017 providing updates on the proposal and approval process a stand-alone website (www.simta.com.au), updated to provide information to the public including contact details an online/email feedback system (consulting@elton.com.au) providing responses to public queries within 48 hours a free-call information line (1800 986 465) available between 8:30 am and 5:00 pm weekdays. The Applicant stated it is committed to continuing consultation with stakeholders and the community throughout the planning process and during future stages of development. The Department notes that it has appropriately exhibited the modification application in accordance with the requirements of the EP&A Act, as stated in Section 4, and it has carefully considered the issues raised in submissions as part of its assessment of the staged application. The Department also notes that the detailed design of the future stages of development will be the subject of separate DAs that will be publicly exhibited. The Department is satisfied that sufficient public consultation has been undertaken to allow the assessment and determination of the modification. 	No additional conditions or amendments are necessary.
Health	<ul style="list-style-type: none"> Concern was raised in public submissions about potential health impacts. The Applicant stated the human health impacts are consistent with the Concept Approval and the modification would therefore not have an adverse impact on health. The Department has considered the following key impacts of the modification: <ul style="list-style-type: none"> importation of fill, at Section 5.2 traffic, at Section 5.4 air quality, at Section 5.5 noise, at Section 5.6 The Department's assessment concludes that the above key aspects of the modification have acceptable impacts and/or can be managed / mitigated through future DA(s). The Department is therefore satisfied the modification would not result in adverse human health impacts. 	No additional conditions or amendments are necessary.
Light spill	<ul style="list-style-type: none"> Concern was raised in public submissions about potential light spill impacts during the construction and operational phases of the development on neighbouring residential neighbourhoods. 	No additional conditions or amendments are

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> The Applicant stated light spill is appropriately addressed under the Stage 2 Application. Light spill was considered as part of the Department's assessment of the Concept Approval. The Department concluded light spill impacts could be managed subject to appropriate assessment and mitigation at detail design phase of the development. FEAR 2.1 <i>Visual Amenity, Urban Design and Landscaping</i>, of the Concept Approval requires future DA(s) to include an assessment of visual impacts, including the impact and mitigation of light spill on surrounding neighbourhoods. The Department is concurrently assessing the detailed Stage 2 Application. This application includes the detailed design of buildings, and includes details addressing light spill and recommends mitigation measures to prevent adverse amenity impacts. The Department is satisfied the separation distance between the building envelopes and neighbouring properties will minimise any light spill impacts and any amenity impacts can be addressed / managed as part of the determination of future DA(s). 	necessary.
Planning process / approval pathway	<ul style="list-style-type: none"> Concern has been raised in public submissions and by Council about the extent of modifications proposed and that the proposal should be subject of a new planning application. The Department notes the scope of s75W is broad and allows for the submission and consideration of amendments to previous approvals. The Department has assessed the merits of the modification in detail at Section 5 of this report and concludes, subject to conditions, the modification has acceptable impacts. As discussed at Section 3.1, the Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application. 	No additional conditions or amendments are necessary.
Property values	<ul style="list-style-type: none"> Concern was raised in public submissions the proposal would have an adverse impact on property values. The Applicant stated the modification does not alter the potential socio-economic impacts identified in the Concept Approval. The Department has assessed the merits of the modification in detail at Section 5 of this report and concludes, subject to conditions, the modification has acceptable impacts. The Department does not consider impacts on property value is a relevant planning consideration in the determination of the application. Notwithstanding, the Department notes the modification is substantially the same as the Concept Approval and does not alter the nature of the development. 	No additional conditions or amendments are necessary.

6. CONCLUSION


The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions as well as the Applicant's response to these and its RTS, and is satisfied the impacts can be satisfactorily addressed by the existing approved, and the proposed amended, recommended ToAs and FEARs.

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

- the delivery of Moorebank Avenue and importation of fill to the site has been assessed at a level acceptable at the Concept Plan level, which demonstrates that traffic impacts can but will require further assessment in future DA(s) that provides a detailed impact assessment and confirms detailed mitigation and management measures
- reconfiguration of the Concept Approval land-uses should be approved as part of the Concept Approval, provided that the FEARs require future DA(s) to:
 - maintain internal access throughout the development, particularly following subdivision
 - consideration of the need for noise controls on the site's eastern and northern boundaries
 - analysis of when construction could acceptably occur outside standard construction hours.
 - consider additional planting along the site edge and throughout the development.
 - assess direct and indirect biodiversity impacts on flora and fauna
- the Concept Approval should not be modified to include:
 - the proposed 'interim' site access, which must be future to further justification and assessment in a future DA
 - the expansion of land-uses in the freight village. These uses may however be permitted as part of a future DA, if the Applicant demonstrates that the freight village is ancillary to the intermodal development, or has a nexus to the intermodal development
- the expanded site boundary would not alter the nature of the development or the conclusions of the Concept Approval
- all other issues considered within this report are considered to have been, or are capable of being, adequately addressed.

Overall, and subject to the amendments recommended in relation to ToAs and FEARs, the Department is satisfied the modification to the Concept Approval is acceptable and future DA(s) will be capable of demonstrating a satisfactory level of amenity to neighbouring properties and will not have a negative visual impact.

The Department considers the proposal is approvable, subject to the conditions on consent outlined within this report. This assessment report is hereby presented to the Commission for determination.


20 Nov 2017
Karen Harragon
Director
Social and Other Infrastructure Assessments


20/11/17
David Gainsford
Executive Director
Priority Projects Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Modification Application

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8149

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8149

3. Applicant's Preferred Project Report

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8149

APPENDIX B RECOMMENDED INSTRUMENT OF MODIFICATION

The recommended conditions of consent can be found on the Department of Planning and Environment's website as follows.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8149

