

Modification of Consent (Mod 2) Response To Submissions State significant development SSD 7628



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Modification 2

MOOREBANK PRECINCT EAST STAGE 2 (SSD 7628)

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1.0 Introduction

1.1 Background

Qube Holdings Limited (the Applicant) is seeking to modify development consent SSD 7628 for minor changes to the stormwater management system of the approved development in response to the additional design requirements placed on this aspect by the conditions of consent (CoC), specifically by CoC B40, which requires the preparation of an amended Stormwater Management Plan (SMP). The modification application relates to the controls identified in CoC B40 for maximum batter slopes for onsite detention basins (OSDs), as set out in CoC B40(c)(iii) as follows:

“all on site detention basins to have maximum batter slopes of 1V:4H or, for works immediately adjacent to the Moorebank Avenue upgrade, an alternate slope gradient agreed to by RMS”

The proposed modification application and environmental impact statement (EIS) was lodged with the Department of Planning and Environment (DP&E) on 15 March 2019 and was placed on public exhibition between 19 July 2019 and 31 July 2019.

An application to modify the MPE Concept Plan Approval (MP 10_0193), the MPE Concept Plan Modification 3 (MP 10_0193_MOD3), prepared by Aspect Environmental (2019), was submitted concurrently with the SSD 7628_MOD 2 to ensure that the development remains consistent with the approved concept.

A total of 16 submissions were received from Department of Planning, Industry and Environment (DPIE) (formerly Department of Planning and Environment). The submissions comprised ten submissions from the community and six from the following Government agencies:

- DPIE – Environment, Energy and Science Group,
- DPIE – Water and the NSW Natural Resource Access Regulator,
- NSW Roads and Maritime Services (RMS),
- two from Liverpool City Council (LCC)

In accordance with direction from DPIE in their request for Response to Submission letter (dated 21 August 2019) and following DPIE’s transition to a new website and submission process, the Applicant has prepared this response to submissions document to address submissions provided on both modification applications to ensure all matters raised are responded to. These submissions have been reviewed, and a response to all relevant matters raised has been provided.

1.2 Site context

The Moorebank Precinct East (MPE) site, including the MPE Stage 2 Project site, is located approximately 27 km south-west of the Sydney central business district and approximately 26 km west of Port Botany. The MPE site is situated within the Liverpool local government area, in Sydney's South West sub-region, approximately 2.5 km from the Liverpool City Centre.

The MPE Project involves the development of an intermodal facility including warehouse and distribution facilities, freight village (ancillary site and operational services), stormwater, landscaping, services and associated works on the eastern side of Moorebank Avenue, Moorebank.

The MPE Stage 2 Project (SSD 7628) involves the construction and operation of warehousing and distribution facilities on the MPE site and upgrades to approximately 1.5 kilometres of Moorebank Avenue (Figure 1-1).

Key components of the Project include:

- Earthworks, including the importation of 600,000 m³ of fill and vegetation clearing
- Warehousing and additional ancillary offices comprising approximately 300,000 m² GFA
- A freight village, comprising 8,000 m² GFA of retail, commercial and light industrial land uses
- Establishment of an internal road network, and connection of the Project to the surrounding public road network
- Ancillary supporting infrastructure within the Project site, including:
 - Stormwater, drainage and flooding infrastructure
 - Utilities relocation and installation
 - Vegetation clearing, remediation, earthworks, signage, lighting and landscaping
- An upgrade to Moorebank Avenue
- Upgrading existing intersections along Moorebank Avenue
- Operations being undertaken 24 hours per day and seven days per week.

The Applicant is moving forward with the development of the MPE site and construction activities related to MPE Stage 2 have commenced. This modification application is critical to continue the progressive development of the site.



Figure 1-1 MPE Stage 2 site (Source: MPE Stage 2 EIS Response to Submissions, Arcadis July 2017)

1.3 Purpose of this report

The purpose of this report is to respond to submissions received during the public exhibition of the EIS relevant to the proposed modification.

This report does not directly respond to matters outside of the scope of the proposed modification.

This report will be submitted to DPIE for their consideration.

2.0 Submissions overview

The Proposed Modification application was publicly exhibited for two weeks from 18 July 2019 to 31 July 2019. DPI&E has made all submissions available on their website:

<https://www.planningportal.nsw.gov.au/major-projects/project/14736>

As identified, a total of 16 submissions were received following the exhibition period.

In addition to the request for additional information that accompanied DPIE's request for response to submissions (22 August 2019), submissions were also received from the following New South Wales (NSW) Government entities:

- Roads and Maritime Services (RMS) dated 6 August 2019;
- DPIE – Environment, Energy and Science Group dated 13 August 2019;
- DPIE – Water and the NSW Natural Resource Access Regulator received 29 August 2019; and
- Liverpool City Council (LCC). Note two submissions were received from LCC. One dated 8 August from David Smith, Manager Planning and Transport Strategy and one dated 27 August from Michael Midson, Executive Planner. Both submissions received 27 August 2019.

Ten individual submissions were received from the community.

All submissions received were reviewed and categorised. Submissions have been grouped into categories based on their source: government entity and individual.

Where a matter raised in a submission was considered of merit and required a response, each matter was assigned a general category and a condition reference based on the nature of the matter, i.e. 'construction and operation boundary'; '1:4 batter application' or 'biodiversity', and the proposed modification component that it related to, OSD 2 or OSD 9.

A response to the matters of merit raised in submissions has been prepared and is provided in the following chapters.

3.0 Government submissions

3.1 Introduction

The submissions provided by Government entities have been collated and considered in the context of the proposed modification elements. This chapter provides a summary of the matters raised in these submissions and the Applicant's responses. A copy of all Government submissions is included in Appendix A.

3.2. Department of Planning, Industry and Environment

The DPIE provided a letter request for Response to Submissions on 21 August 2019, along with a request for additional information relating to the following proposed modification elements:

- OSD basin 9 design changes;
- extension of the southern boundary; and
- adequacy of the biodiversity impact assessment.

Following the recent restructure of DPIE, a number of previously separate NSW Government entities have been incorporated into DPIE. DPIE have provided two supplementary submissions from two newly formed sub-groups:

- DPIE – Environment, Energy and Science Group (EES), which incorporates the former NSW Office of Environment and Heritage, and the NSW Environment Protection Authority (in part), (dated 13 August 2019) providing comment on the adequacy of the biodiversity impact assessment; and
- DPIE – Water and the NSW Natural Resources Access Regulator (NRAR) (28 August 2019) providing comment on the use of an impermeable liner in stormwater retention ponds.

This section provides the DPIE request, and supplementary submissions, and the Applicant's responses. DPIE submissions have been included in full in Appendix A.

OSD basin 9 design changes

In their submission, DPIE state that the detail relating to how the drainage design has been modified and how it will function, particularly in relation to stormwater treatment, shows insufficient detail for assessment. In order to enable their assessment of the modification application, DPIE has requested the following information in relation to the proposed OSD 9 design changes.

- *Consolidated drawings showing OSD basin 9 (plan views and cross sections), including existing and finished surface levels, and the downstream bioretention area/ rainingarden in the MPW site. It is recommended that you provide your most detailed drawings, such as work-as-executed drawings, in order for the Department to verify that the design can comply with relevant consent requirements.*

-
- *Construction schedule for installation and commissioning of the raingarden and repair of the existing open concrete channel (aka the 'east-west channel') on the MPW site.*
 - *Details for treatment of stormwater from OSD basin 9 (plan views and sections), prepared by a suitably qualified professional, post-development of MPW Stage 2 (if approved).*

The modification application in respect of OSD 9 seeks only to remove the requirement for 1V:4H batters, and no design change has been requested as part of this modification. It is considered that none of the content requested by DPIE as being required to respond to the purported "insufficient detail" in the modification application relates to the removal of the obligation for 1V:4H batters on OSD 9.

The content requested by DPIE is captured under post-approval requirements in the current CoC and has been separately addressed through the provision of updated stormwater management plans as part of the post-approvals process.

The design change to OSD 9 has been, and would continue to be, managed through post-approvals. The Stormwater Management Plan for Warehouse 1 which includes OSD 9, was updated to reflect the as-constructed OSD 9 and provided to the post-approvals team on 8 June 2019. In accordance with CoC B40, the Updated Stormwater Management Plan was independently reviewed.

A copy of the updated Stormwater Management Plan for MPE Stage 2 Warehouse 1 (WH1) Precinct (Arcadis, 7 June 2019) was made available to the DPIE Assessments team on the 12 June 2019 and was included as Appendix F of the modification application.

The proposed removal of the requirement for 1V:4H batters for OSD 9 does not have any implication for OSD functionality, as demonstrated in the stormwater management system assessment presented as part of the MPE Stage 2 EIS (Arcadis, 2017), nor does it change, or seek to change, the obligations to demonstrate this functionality in accordance with all aspects of CoC B40.

Extension of southern boundary

In their submission, DPIE expressed concern that the proposed OSD 2 concept design presented in the Modification Application (refer to figures 6 and 7 of the Modification Application Report) requires the removal of additional threatened plant species and may result in additional habitat and riparian corridor impacts. DPIE has requested the following additional information in relation to the proposed extension of the development footprint.

- *a consolidated description of the justification for locating OSD Basin 2 outside the existing site footprint, with reference to existing physical site constraints, and demonstrating that this land would be used for drainage and not other uses (such as warehousing etc.)*
- *information demonstrating how consideration was given to minimising impacts to threatened species through the design development*

-
- *alternative layouts (sufficient for maintenance access and transition to existing ground levels at the site boundary) which avoid threatened plants or reduce the area/ number of threatened plants impacted.*

As detailed in Section 6.1 of the Modification Application EIS, the justification for extension of the MPE site footprint at the Southern Boundary is predicated primarily on the DPIE's inclusion of CoC B40(c)(iii) requiring 1V:4H batters on OSDs which represented a conflict to the exhibited design. The provided design layout shows how the Applicant's warehouse GFA threshold is maintained within the existing boundary and the open basin layout, as originally exhibited, has been removed to enable provision of a 1V:4H design basin with design documentation to identify how it sits within the nominated land area.

Discussions with Liverpool City Council as part of the MPE Stage 2 Modification 2 Application process have identified that they would not typically require 1V:4H design of an OSD in an industrial development such as this.

The development of a design has been dictated by the totality of requirements of CoC B40 in response to the specific requirement of B40(c)(iii), and is constrained by the presence of additional threatened species to the west (as per the provided assessment) and the shape of the Butcher's Knife lot adjacent to the Boot Land, and the footprint of the proposed realigned Moorebank Avenue required by the MPE Stage 2 Voluntary Planning Agreement (VPA), as executed.

The provided design drawings (refer Figure 7 drawing CO13455.04-C424, Costin Roe, 2018) within the modification application include provision of a 3 m wide gravel maintenance access in accordance with CoC B40(c)(v) requirements. The design drawing is provided below. Further design drawings were included as Appendix A of the modification application.

Design information has separately been included in the stormwater management plan prepared for the balance of site (SMP BoS) for MPE2 in accordance with CoC B40 and provided to the post-approvals team, but DPIE has advised it cannot review or approve the SMP in the absence of approval of the modification for the additional construction and operation footprint to accommodate OSD as proposed.

As identified in the modification application, the footprint of the proposed OSD 2 basin lies within an existing disturbed, open grassed area that is bordered by an existing access road and fence line, separating the site from the Boot Land and Anzac Creek.

Figure 3-1 Proposed footprint area looking east



3.3. DPIE - Environment, Energy and Science Group

The DPIE – Environment, Energy and Science Group (EES) provided a submission on 13 August 2019 and provided comment on the adequacy of the Biodiversity Development Assessment Report (BDAR).

The BDAR has been revised in accordance with the EES' recommendations and is provided, in full, in Appendix C.

The EES' recommendations and the Applicant's response is provided below.

- *The flora survey was not conducted during the required season for *Hibbertia fumana*. The 3m separated transects and the open ground of the site mean that detectability should not have been an issue. However, the Biodiversity Assessment Method (BAM) requires that flowering material be present for species identification.*

Targeted surveys were undertaken in September 2019 when *H. fumana* was in flower, in accordance with EES' recommendation. Reference populations within the precinct were investigated prior to surveying the development area. Field identification of *H. fumana* assessed leaves and stems for the presence of hairs, flowers for the number of stamens and length of peduncle/a stalked flower.

No individuals of this species were recorded within the proposal footprint, however, one plant was recorded immediately adjacent to the proposal footprint and the area of occupancy of the species overlaps with the western section of the site.

- *The credits for *Hibbertia fumana* have been rounded to zero. However, section 11.2.3.6 of the BAM advises that 'where the total number of credits calculated for a vegetation zone by the assessor is not a whole number, the assessor is to round it to the nearest whole number using conventional rounding rules, except if the number being rounded is less than one, in which case the number of credits is rounded to one'. It is noted the BAM Credit Summary Report (Appendix B) shows the species credits is zero, however, it is assumed the calculator has not applied the BAM correctly.*

In response to EES' comment, it should be noted that the BPOC credit summary incorrectly identified zero credits as being required for *H. fumana*. This has now, as EES identify in their submission, been correctly rounded up to one. The revised credit requirement table is provided in Section 5 of this Response to Submissions Report.

- *Recent biodiversity assessments of adjoining land and the Moorebank Precinct West site indicate all the vegetation mapped as PCT 883_Poor and the individual trees within PCT 883_Cleared should be considered Koala habitat and offset. The latter is consistent with other projects with scattered trees in a cleared landscape.*

In response to EES' recommendation, and despite previous and current land uses at the MPE Site, it has been determined that the vegetation within the development site

constitutes potential foraging habitat for Koala. PCT 883 which has been mapped within the development site and adjacent Bootland (Arcadis 2017a) is known to support an individual, and potentially a population of Koala (*Phascolarctos cinereus*). Recent proximal records for Koala occur within the Moorebank precinct, with the most recent sighting occurring within the northern extent of Bootland in November 2018. For these reasons, despite not identifying Koalas or tracks and traces of Koala, vegetation within the development site has been conservatively mapped as Koala habitat.

It is considered that direct impacts to Koala (individuals, population or habitat) are unlikely as a result of the proposed modification. The extent of the potential impact is outlined in Table 2 below.

Table 1 Impacts to threatened fauna species (source: Arcadis, 2019)

Scientific name	Common name	Direct impact	
		883_Poor	883_Cleared
<i>Phascolarctos cinereus</i>	Koala	0.19 ha	0.10 ha

Any potential impact to Koala habitat as a result of the proposed modification, if approved, would be offset in accordance with the BAM requirements and would need to be reflected in updated native vegetation clearing and offsets requirements tables in CoC B103 and B104, respectively.

3.4. DPIE – Water and NSW Natural Resources Access Regulator (NRAR)

The DPIE – Water and NRAR provided a submission on 28 August 2019 and recommended the consideration of the use of an impermeable liner for stormwater retention basins where the basins intercept the water table.

“This would be required where recharge of poor quality water from the ponds could compromise the aquifer’s highest beneficial use. DPIE Water will need to consider this further at the detailed design stage.”

It is assumed that this recommendation relates to the proposed revised OSD 2 footprint. The proposed revised OSD 2 would not intercept the aquifer. As detailed in Table 6-1 of the MOD 2 EIS, construction of the OSD would primarily be above ground level with any excavation to be <1 m deep. Accordingly, no interception or material impacts to groundwater in the vicinity are expected. The comment is noted and would be taken into consideration to inform detailed design on approval of the modification application.

Summary

None of the key issues nominated by DPIE in their primary submission are considered to be barriers to the approval of the modification application. These key issues are either already addressed by existing conditions of approval and submitted management plans or can be conditioned to achieve the same outcome during progression of detailed design on approval of the modification application.

Roads and Maritime Services

The RMS provided a submission (dated 6 August 2019) and raised no objections to the proposed modification. RMS agrees to the revised wording of Condition B40(c)(iii) provided as part of the proposed modification.

RMS state that they will review the proposed change and associated geotechnical investigation during the detail design stage associated with the WAD attached to SSD 7628.

In addition, RMS noted that the VPA for the MPW Stage 2 Project provides for the realignment of Moorebank Avenue and seeks guidance on whether the proposed boundary change will impact the future Moorebank Avenue realignment.

The change in the construction and operation boundary of the MPE Stage 2 development will not impact the future realignment of Moorebank Avenue or the WAD attached to SSD 7628. The final design of the revised OSD 2 will be developed in accordance with the footprint of proposed realignment.

The proposed condition change CoC B40(c)(iii) in respect of OSD 9 will not impact on the Moorebank Avenue realignment and will not have any direct implication for the WAD attached to SSD 7628.

Liverpool City Council

The Applicant met with representatives of LCC to discuss the present and provide an overview of the modification application documents on 17 July 2019.

The LCC provided a submission letter on 8 August 2019 (provided to the Applicant on the 27 August) stating the following:

It is considered that the impacts of the revised drainage system layout and design and the alteration to maximum batter slope requirements have been sufficiently addressed. Council notes that the OSD systems on site will not be transferred to Council and therefore Council has no further comments in relation to both of these applications.

The LCC subsequently provided an additional submission on 27 August 2019 and provided comment in respect of the proximity of works to the riparian corridor of Anzac Creek and consideration relating to implementation and maintenance of safety measures and landscaping in respect of OSD 9.

While this additional submission was received outside the exhibition period a response to the matters raised in the submission is provided below.

The LCC note that the proposed footprint extension results in an encroachment into the riparian zone of Anzac Creek and expresses concern about impacts to Anzac Creek as a result. The LCC recommended that the Applicant review the proposed

boundary extension and request confirmation that no works are to be undertaken with the riparian corridor of Anzac Creek.

The south-western corner of the proposed footprint is approximately 20 m from Anzac Creek. The Applicant notes that the proposed footprint extends the construction and operation footprint toward the riparian corridor of Anzac Creek.

This extension is no further than the extent of the previously disturbed and predominantly cleared area of land under Department of Defence ownership and management, referred to as the Butcher's Knife. The Butcher's Knife is bordered to the south by an existing access road and fence line. The vegetated riparian zone exists only south of this boundary.

The *Water Management (General) Regulation 2018* adopts the Strahler system for defining stream order. As Anzac Creek has no other streams flowing into it, it is classified as a 1st order stream. In accordance with the DPI Office of Water Controlled Activities on waterfront land - Guidelines for riparian corridors on waterfront land (NSW Office of Water, July 2012, p.2), the vegetated riparian zone (VRZ) for a 1st order stream is 10 m.

The riparian corridor consists of:

- the channel which comprises the bed and banks of the watercourse (to the highest bank) and
- the vegetated riparian zone (VRZ) adjoining the channel.

Figure 1. The riparian corridor

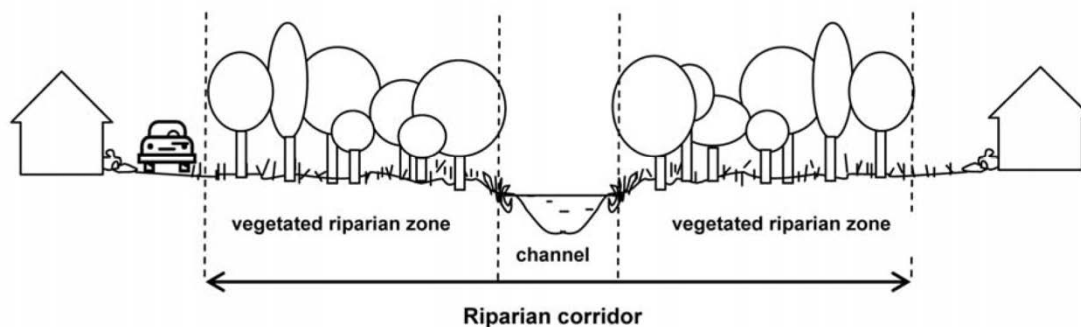


Figure 3-3 Definition of riparian corridor (Source: NSW Office of Water Controlled Activities on Waterfront Land - Guidelines for riparian corridors on waterfront land, NSW Office of Water, July 2012, p.2)

The proposed footprint extension under the modification application does not therefore encroach on the riparian corridor of Anzac Creek.

The LCC state that they are satisfied with the proposed change to OSD 9 on the basis that proposed safety measures are implemented and maintained and note that there is a need for high quality landscaping along the boundary of the OSD.

The Applicant is committed to providing both high quality safety measures and landscaping in relation to OSD 9, and these would be delivered in accordance with

the requirements of the MPE Stage 2 Development Consent (SSD 7628) and the approved MPE Stage 2 Urban Design and Landscape Management Plan.

LCC also expressed concerns regarding water retention in OSD 9 and the potential health issues associated with mosquitos that may be attracted to the stagnant water and recommend the implementation of an effective mitigation strategy. The proposed modification to CoC B40(c)(iii) does not have any change on the management of waters collected within OSD 9, it only proposes to change the need for a 1V:4H batter as currently required under CoC B40(c)(iii). The comment, however, is noted and would be included in the maintenance strategy for the OSD during operations.

4.0 Public submissions

This section provides a summary of the submissions received from the community. Given the small number of community submissions received that directly related to the proposed modification, submissions have been grouped and responded to by submitter in Table 2 below. Community submissions provided by DPIE are included in Appendix B.

In addition to the submissions of direct relevance to the proposed modification, it should be noted that the majority of the submissions received from the community did not raise any issues that related to the proposed modification, but rather related more generally to the development of the MPE Site, and the Moorebank Logistics Park as a whole.

These comments talked to the suitability of the site for the development, as well as general environmental and social issues including traffic congestion, noise and air quality impacts, public safety among others. Responses to these general objections are also provided in Table 2 below.

Table 2 Public submissions

Category	Condition Reference	Matter raised	Response
Name Withheld			
Biodiversity	N/A	Objects to the proposed modification that involves a 1.5 ha land encroachment into the "highly ecologically sensitive buffer zone" for the protected Boot Land area, noting that batters could have been integrated into a design that could've been located within the existing development footprint.	<p>It is unclear where the claim that the area between the MPE Site and the Boot Land, known as the Butcher's Knife, is a "highly ecologically sensitive buffer zone" has come from. As detailed in the BDAR, the vegetation in the area is highly disturbed and low quality.</p> <p>The MPE Stage 2 Development is a warehousing and distribution facility. The proposed minor extension of the construction and operation footprint of the development is required to enable address of the prescriptive requirements of the CoCs whilst enabling construction and operation of the warehousing, as designed and approved.</p>
Biodiversity	N/A	Impacts to threatened flora within the proposed modification footprint.	<p>The Proposed Modification seeks a minor extension of the construction and operation footprint of the MPE Site to enable address of the prescriptive requirements of CoC B40(c)(iii), whilst enabling the development and function of the site as the warehousing and distribution facility as approved.</p> <p>As described in section 8.1 of the Modification Application, the potential impacts to threatened fauna as a result of the Proposed Modification are restricted to:</p> <ul style="list-style-type: none"> • Clearing of all vegetation within the development site including representatives of one threatened ecological community. The total area of vegetation to be cleared is 0.60 ha; the areas of native vegetation to be cleared comprise two small, fragmented

Category	Condition Reference	Matter raised	Response
			<p>patches of vegetation totalling 0.17 hectares. The total area to be cleared consists of one plant community type (PCT):</p> <ul style="list-style-type: none"> - 0.17 hectares of Hard-leaved Scribbly Gum – Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin. This PCT corresponds with the TEC <i>Castlereagh Scribbly Gum Woodland in the Sydney Basin Bioregion</i>, which is listed as vulnerable under the <i>BC Act</i> and <i>Castlereagh Scribbly Gum and Agnes Banks Woodlands ecological community</i> listed as endangered under the <i>EPBC Act</i>. <ul style="list-style-type: none"> • The proposed modification will have direct impacts on habitat for three threatened plant species (all of which are ‘area’ assessed species), including: <ul style="list-style-type: none"> - <i>Hibbertia puberula</i> subsp. <i>puberula</i> (0.59 hectares) - <i>Hibbertia fumana</i> (0.14 hectares) - <i>Persoonia nutans</i> (0.33 hectares). • <i>Hibbertia fumana</i> is a candidate species for Serious and Irreversible Impacts. An assessment of the potential impacts of the proposed modification against the Serious and Irreversible Impacts criteria has been undertaken and a Serious and Irreversible Impact to the species is considered unlikely. • Potential indirect impacts on records of <i>Persoonia nutans</i> and <i>Hibbertia puberula</i> subsp. <i>puberula</i> in the Hard-leaved Scribbly Gum – Parramatta Red Gum

Category	Condition Reference	Matter raised	Response
			<p>heathy woodland immediately adjoining the southern extent of the MPE Stage 2 site. Indirect impacts may include increased sedimentation, changes to hydrology and increased risk of weed invasion, from adjoining areas.</p> <p>There are biodiversity offsetting requirements associated with the impacts to threatened species and communities as a result of the Proposed Modification. The revised offsetting requirements of the Proposed Modification are outlined in tables 3 and 4 of the Modification EIS. Evidence of the retirement of offset credits is required prior to impacting the associated native vegetation and threatened species.</p> <p>As noted in the Modification EIS, the Construction Flora and Fauna Management Plan (CFFMP), which is currently being implemented onsite, would be revised to include the Proposed Modification. Any clearing of native vegetation associated with the Proposed Modification would be subject to the approved CFFMP.</p>
Biodiversity	N/A	Potential impacts to the Bootland from weeds, hydrology and pollution.	<p>As described in Section 8.1 of the Modification EIS, there is the potential that indirect impacts associated with the Proposed Modification may include increased sedimentation, changes to hydrology and increased risk of weed invasion from adjoining areas.</p> <p>The Proposed Modification seeks to extend the footprint of the MPE Stage 2 Site to enable the delivery of stormwater infrastructure in accordance with CoC B40. There is unlikely to be any changes to the hydrology in the vicinity of the Boot Land as a result of the Proposed Modification, and the</p>

Category	Condition Reference	Matter raised	Response
			<p>revised stormwater management plan (SMP BoS; Costin Roe, 2019) required by CoC B40 as part of the post-approvals process demonstrates this as stormwater discharge for the south-eastern portion of the site was previously discharging to outlet B and would continue to discharge to outlet B.</p> <p>As noted in the Modification EIS, the approved Construction Flora and Fauna Management Plan (CFFMP), which is currently being implemented onsite, would be updated to include the Proposed Modification. The approved CFFMP, along with the approved Construction Soil and Water Management Plan include controls relating to the management of weeds and sediment at the site.</p>
General – Proposed Modification	NA	The proposed modification represents a radical transformation of the approved plans, and as such, the modification application should be refused.	<p>The proposed modification seeks approval for a 1.5 ha extension of the construction and operation boundary of the development to enable the inclusion of 1V:4H batters in stormwater detention infrastructure, in response to CoC B40(c)(iii). The MPE Site is roughly 83 ha in size. The proposed modification represents a 1.8% increase in the development footprint. The proposed modification does not alter the general construction methodology or the ongoing operational function of the site.</p> <p>On this basis, it is considered that the proposed modification does not represent a radical transformation, The Proposed Modification represents a change of minimal environmental impact in accordance with Section 4.55(A) of the EP&A Act.</p>
Ian Pryde			
Biodiversity	N/A	The proposed modification represents the removal of the highly sensitive buffer zone	It is unclear where the claim that the area between the MPE Site and the Boot Land, known as the Butcher’s Knife, is a

Category	Condition Reference	Matter raised	Response
		<p>causing long-term damage to the Cumberland Plains Woodland in the Boot Land.</p>	<p>"highly ecologically sensitive buffer zone" has come from. As detailed in the BDAR, the vegetation in the area is highly disturbed and low quality.</p> <p>As described in Section 8.1 of the Modification EIS, the potential impacts to biodiversity as a result of the Proposed Modification are not significant and are able to be mitigated through the provision of biodiversity offsets under the BAM/BDAR as provided for within the current conditions of consent for SSD 7628.</p>
<p>General – Proposed Modification</p>	<p>N/A</p>	<p>Objects to the submission of a modification to the approval on the basis that it protected the area and that it shows an unwillingness of the Applicant to work with the community or consider local environmental issues.</p>	<p>It has been assumed that the “area” referred to in the submission is the Boot Land.</p> <p>The extension of the construction and operation footprint to accommodate the revised OSD 2 basin sits within the Butcher’s Knife land and sits outside of the defined riparian corridor for Anzac Creek, which, for a first order stream is 10 m. As the disturbed Butcher’s Knife land area is approximately 20 m away from Anzac Creek at its closest point, there remains an appropriate buffer to the riparian corridor.</p> <p>The Proposed Modification would not impact the biodiversity value of the Boot Land. The MPE Stage 2 development consent provides mechanisms for the protection of biodiversity surrounding the site, including the Boot Land. In addition, a majority of the Boot Land is included in Bio Banking Agreement that has been executed with the NSW Government. The Bio Banking Agreement secures the biodiversity values of the area and outlines the measures required to maintain or enhance these values.</p>

Category	Condition Reference	Matter raised	Response
General – Traffic and access	N/A	Generally concerned with the traffic movements associated with the Intermodal Site, with regards to increased congestion on the network and safety issues.	The Proposed Modification seeks only to effect the delivery of stormwater infrastructure in accordance with the requirements of the CoC and in the context of the warehousing requirements, as designed and approved. The Proposed Modification does not seek any changes to traffic movements, impacts and controls as already assessed and approved as part of the MPE Stage 2 development consent (SSD 7628).
Name Withheld			
Biodiversity		Objection to any additional impacts to <i>Hibbertia puberula</i> .	Impacts to <i>Hibbertia puberula</i> associated with the proposed modification are limited to the clearing of 0.60 Ha of habitat area that is classified as either poor or previously cleared. The impact of the proposed clearing would be offset in accordance with BAM using credits available in the Boot Land biobanking area or by another source. This is in accordance with the approved mitigation for impacts to species and plant community types identified in CoC B103 – B105 of the SSD 7628 consent.
Biodiversity		Objection to the Proposed Modification that involves a 1.5ha land encroachment into the "highly ecologically sensitive buffer zone" for the fully protect Boot Land area.	<p>It is unclear where the claim that the area between the MPE Site and the Boot Land, known as the Butcher's Knife, is a "highly ecologically sensitive buffer zone" has come from. As detailed in the BDAR, the vegetation in the area is highly disturbed and low quality.</p> <p>As described in Section 8.1 of the Modification EIS, the potential impacts to biodiversity as a result of the proposed modification are not significant and are able to be mitigated, in part, through the provision of biodiversity offsets under the BAM.</p>

Category	Condition Reference	Matter raised	Response
Biodiversity		The impacts to threatened flora within the proposed modification footprint.	<p>The Proposed Modification seeks a minor extension of the construction and operation footprint of the MPE Site to enable address of the requirements of CoC B40(c)(iii), whilst facilitating the development and function of the site as a warehousing and distribution facility as approved under the SSD 7628 development consent.</p> <p>As described in section 8.1 of the Modification Application, the potential impacts to threatened flora as a result of the Proposed Modification are restricted to:</p> <ul style="list-style-type: none"> • Clearing of all vegetation within the development site including representatives of one threatened ecological community. The total area of vegetation to be cleared is 0.60 ha; the areas of native vegetation to be cleared comprise two small, fragmented patches of vegetation totalling 0.17 hectares. The total area to be cleared consists of one plant community type (PCT): <ul style="list-style-type: none"> – 0.17 hectares of Hard-leaved Scribbly Gum – Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin. This PCT corresponds with the TEC <i>Castlereagh Scribbly Gum Woodland in the Sydney Basin Bioregion</i>, which is listed as vulnerable under the <i>BC Act</i> and <i>Castlereagh Scribbly Gum and Agnes Banks Woodlands ecological community</i> listed as endangered under the <i>EPBC Act</i>. • The proposed modification will have direct impacts on habitat for three threatened plant species (all of which are 'area' assessed species), including:

Category	Condition Reference	Matter raised	Response
			<ul style="list-style-type: none"> - <i>Hibbertia puberula</i> subsp. <i>puberula</i> (0.59 hectares) - <i>Hibbertia fumana</i> (0.14 hectares) - <i>Persoonia nutans</i> (0.33 hectares). <ul style="list-style-type: none"> • <i>Hibbertia fumana</i> is a candidate species for Serious and Irreversible Impacts. An assessment of the potential impacts of the proposed modification against the Serious and Irreversible Impacts criteria has been undertaken and a Serious and Irreversible Impact to the species is considered unlikely. • Potential indirect impacts on records of <i>Persoonia nutans</i> and <i>Hibbertia puberula</i> subsp. <i>puberula</i> in the Hard-leaved Scribbly Gum – Parramatta Red Gum heathy woodland immediately adjoining the southern extent of the MPE Stage 2 site. Indirect impacts may include increased sedimentation, changes to hydrology and increased risk of weed invasion, from adjoining areas. <p>There are biodiversity offsetting requirements associated with the impacts to threatened species and communities as a result of the Proposed Modification. The revised offsetting requirement of the Proposed Modification are outlined in tables 3 and 4 of the Modification EIS. Evidence of the retirement of offset credits is required prior to impacting the associated native vegetation and threatened species.</p> <p>As noted in the Modification EIS, the approved Construction Flora and Fauna Management Plan (CFFMP), which is currently being implemented onsite, would be updated to include the Proposed Modification outcomes. Any clearing</p>

Category	Condition Reference	Matter raised	Response
			<p>of native vegetation associated with the Proposed Modification would be undertaken in accordance with the approved CFFMP.</p>
		<p>The potential impacts to the Boot Land from weeds, hydrology and pollution.</p>	<p>As described in Section 8.1 of the Modification EIS, there is the potential that indirect impacts associated with the Proposed Modification may include increased sedimentation, changes to hydrology and increased risk of weed invasion from adjoining areas.</p> <p>The Proposed Modification seeks to extend the footprint of the MPE Stage 2 Site to enable the delivery of stormwater infrastructure in accordance with CoC B40. There is unlikely to be any changes to the hydrology in the vicinity of the Boot Land as a result of the Proposed Modification, and the revised stormwater management plan (SMP BoS; Costin Roe, 2019) required by CoC B40 as part of the post-approvals process demonstrates this as stormwater discharge for the south-eastern portion of the site was previously discharging to outlet B and would continue to discharge to outlet B.</p> <p>As noted in the Modification EIS, the approved Construction Flora and Fauna Management Plan (CFFMP), which is currently being implemented onsite, would be updated to include the Proposed Modification. The approved CFFMP, along with the approved Construction Soil and Water Management Plan include controls relating to the management of weeds and sediment at the site</p>
<p>General – Proposed Modification</p>		<p>Objection to the timing of the Proposed Modification application in relation to the granting of the original consent (assumed to be</p>	<p>The proposed modification application has been submitted in accordance with Section 4.55(1A) of the EP&A Act.</p>

Category	Condition Reference	Matter raised	Response
		SSD 7628) and the potential impacts it may have on local residents and the local environment.	
Name Withheld			
General – Traffic and access	N/A	Submission provided is a PowerPoint that was presented to the IPC during the public hearing for the MPW Stage 2 application. No relevance to the proposed modification. It has been assumed that the submission represents a general objection to the precinct as a whole, concerned primarily with traffic congestion.	The Proposed Modification seeks only to effect the delivery of stormwater infrastructure in accordance with the requirements of the CoC and in the context of the warehousing requirements, as designed and approved. The Proposed Modification does not seek any changes to traffic movements, impacts and controls as already assessed and approved as part of the MPE Stage 2 development consent (SSD 7628).
David Mawer			
Stormwater and flooding		Objects to the proposed modification on the basis that there is adequate land available for stormwater detention structures in the existing boundary and that sufficient time has been available to the Applicant for accurate assessment, modelling and amendment of an SMP.	As described in Section 6.1 of the Modification EIS, the development layout and design plans for the MPE Stage 2 Project, as presented in the MPE Stage 2 (SSD 7628) Application EIS, included a stormwater management system, which was assessed as providing the appropriate capacity and discharge outcomes, utilising vertical-walled OSDs across the site, and within the nominated construction and operation footprint. However, the approval of the MPE Stage 2 Project and the issued consent instrument for SSD 7628 introduced prescriptive design requirements relating to stormwater basin design, specifically the requirement for 1V:4H batter walls for basins, that were not part of the application, and hence not within the consideration and definition of the construction and operation footprint at the time of lodgement of the application.

Category	Condition Reference	Matter raised	Response
			<p>The proposed footprint extension and subsequent amended design of OSD 2 achieves the drainage, water sensitive urban design, water quantity and water quality requirements and objectives of CoC B40, specifically the requirement for 1V:4H batters on OSDs. This requirement could not be accommodated within the existing development layout. The proposed revision to the footprint would not result in any changes to the function or capacity of the stormwater management system for the MPE Site.</p> <p>The balance of site Stormwater Management Plan was prepared in late 2018, however, the DPIE determined it could not be approved due to the need for the additional footprint. The modification was initially lodged on 15 March 2019 to achieve this outcome.</p>
Stormwater and flooding		The MPE Stage 2 application did not explore the requirement for stormwater provisions from runoff.	<p>It is not clear from the information provided in the submission what the requirement for stormwater provisions referenced actually refers to. For the purposes of the response it has been inferred that it relates to stormwater quality and quantity.</p> <p>Stormwater and flooding were assessed extensively in the MPE Stage 2 development application documentation. CoC B40 of the issued development consent outlines the criteria relating to stormwater with which the MPE Stage 2 development is required to comply.</p> <p>The stormwater management system presented in the SMP – BoS (Costin Roe, 2018) has been designed to comply with the requirements of CoC B40(e).</p>

Category	Condition Reference	Matter raised	Response
			The modification application does not seek to change the water quality or quantity outcomes required under CoC B40. Where the Modification Application is approved, the SMP – BoS, which addresses all requirements of CoC B40 and has been independently reviewed in accordance with CoC B40, would then be able to be approved by the DPIE
Contamination		PFAS migration offsite following high rainfall events may present an issues.	The Site Audit Report and Site Audit Statement issued for Butchers Knife Part Lot 4 DP 1197707 by AECOM (2016) identified that the Butchers Knife does not contain areas identified as being potential PFAS sources.
General – Proposed Modification		The information provided by the proponent as part of the MPE Stage 2 application and the subsequent post-approval documentation is inadequate and does not meet the requirements of the Approving Authority.	The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628). Construction activities associated with the MPE Stage 2 Development have substantially commenced and are being undertaken in accordance with post-approval documentation and management plans that have been approved by the DPIE.
Name Withheld			
General – Precinct		General objection to the precinct as a whole. Concerned with traffic congestion and noise impacts. The submission incorrectly refers to "seeking a road at the rear of the development".	Noted. The proposed modification does not involve any additional noise impacts or impacts to traffic congestion beyond those already assessed and approved for the MPE Stage 2 Project. There is no road proposed as part of the modification. The suitability of the site for the approved use was considered at length in the previous development

Category	Condition Reference	Matter raised	Response
			<p>applications for the site, and their respective issued development consents.</p> <p>The MPE Concept Plan Approval was granted by the Planning Assessment Commission on 29 September 2014.</p> <p>The MPE Stage 1 Project was approved by the Planning Assessment Commission on 12 December 2016 (Development Consent SSD 6766).</p> <p>The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628).</p> <p>In addition to the suitability of the site for development, the matters raised in this submission were adequately considered in the assessment documentation for the aforementioned approved projects, including the MPE Stage 2 EIS (Arcadis, 2016) and MPE Stage 2 Response to Submissions Report (Arcadis, 2017), as part of the approval process.</p>
John Anderson			
		<p>General objection to the project as a whole. Concerned with impacts on traffic safety and congestion; public health and safety; biodiversity; contamination including PFAS; noise; air quality including diesel emissions and dust; and quality of life of residents.</p>	<p>Noted. The proposed modification does not involve any additional impacts to those aspects raised in the submission beyond those already assessed and approved for the MPE Stage 2 Project.</p> <p>The Site Audit Report and Site Audit Statement issued for Butchers Knife Part Lot 4 DP 1197707 by AECOM (2016) identified that the Butchers Knife does not contain areas identified as being potential PFAS sources.</p>

Category	Condition Reference	Matter raised	Response
			<p>The suitability of the site for the approved use was considered at length in the previous development applications for the site, and their respective issued development consents.</p> <p>The MPE Concept Plan Approval was granted by the Planning Assessment Commission on 29 September 2014. The MPE Stage 1 Project was approved by the Planning Assessment Commission on 12 December 2016 (Development Consent SSD 6766).</p> <p>The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628).</p> <p>In addition to the suitability of the site for development, the matters raised in this submission were adequately considered in the assessment documentation for the aforementioned approved projects, including the MPE Stage 2 EIS (Arcadis, 2016) and MPE Stage 2 Response to Submissions Report (Arcadis, 2017), as part of the approval process.</p>
Name Withheld			
General – Precinct		General objection to the precinct as a whole. Concerned primarily with traffic congestion.	<p>Noted. The proposed modification does not involve any additional impacts to traffic congestion, pollution and public health, and amenity beyond those already assessed and approved for the MPE Stage 2 Project.</p> <p>The suitability of the site for the approved use was considered at length in the previous development</p>

Category	Condition Reference	Matter raised	Response
			<p>applications for the site, and their respective issued development consents.</p> <p>The MPE Concept Plan Approval was granted by the Planning Assessment Commission on 29 September 2014. The MPE Stage 1 Project was approved by the Planning Assessment Commission on 12 December 2016 (Development Consent SSD 6766).</p> <p>The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628).</p> <p>In addition to the suitability of the site for development, the matters raised in this submission were adequately considered in the assessment documentation for the aforementioned approved projects, including the MPE Stage 2 EIS (Arcadis, 2016) and MPE Stage 2 Response to Submissions Report (Arcadis, 2017), as part of the approval process.</p>
General - Precinct		General objection to the project as a whole. Concerned with site suitability, traffic congestion and diesel emissions.	<p>Noted. The proposed modification does not involve any additional impacts to traffic congestion and diesel emissions, beyond those already assessed and approved for the MPE Stage 2 Project.</p> <p>The suitability of the site for the approved use was considered at length in the previous development applications for the site, and their respective issued development consents.</p>

Category	Condition Reference	Matter raised	Response
			<p>The MPE Concept Plan Approval was granted by the Planning Assessment Commission on 29 September 2014. The MPE Stage 1 Project was approved by the Planning Assessment Commission on 12 December 2016 (Development Consent SSD 6766).</p> <p>The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628).</p> <p>In addition to the suitability of the site for development, the matters raised in this submission were adequately considered in the assessment documentation for the aforementioned approved projects, including the MPE Stage 2 EIS (Arcadis, 2016) and MPE Stage 2 Response to Submissions Report (Arcadis, 2017), as part of the approval process.</p>
Allan Corben			
		<p>General objection to the precinct as a whole. Concerned primarily with the approvals process.</p>	<p>Noted. The proposed modification application has been submitted in accordance with Section 4.55(1A) of the EP&A Act.</p> <p>The suitability of the site for the approved use was considered at length in the previous development applications for the site, and their respective issued development consents.</p> <p>The MPE Concept Plan Approval was granted by the Planning Assessment Commission on 29 September 2014.</p>

Category	Condition Reference	Matter raised	Response
			<p>The MPE Stage 1 Project was approved by the Planning Assessment Commission on 12 December 2016 (Development Consent SSD 6766).</p> <p>The MPE Stage 2 Project was approved by the Planning Assessment Commission on 31 January 2018 (Development Consent SSD 7628).</p>
		<p>Extension of the MPE Site into land they don't have title for. The MPE development should be restricted to its original site boundary.</p>	<p>The proposed modification application has been submitted in accordance with Section 4.55 of the EP&A Act. The proposed minor extension is on Lot 4 DP 1197707, in an area known as the Butcher's Knife. The entirety of Lot 4 DP 1197707, along with all other land relating to the MPE and MPW sites is held under a 99-year lease by a Land Trust to which the Applicant is a party. The Applicant is responsible for the development and operation of the land held in that lease.</p> <p>The MPE Stage 2 Development is a warehousing and distribution facility. The proposed minor extension of the construction and operation footprint of the development is required to enable adherence to the requirements of the CoCs whilst enabling construction and operation of the warehousing, as designed and approved.</p>
		<p>Potential increase in dust as a result of the proposed modification works in the south-west of the site, stating that dust suppression needs to be in place and policed.</p>	<p>Any works in the proposed extension area at the will be undertaken in accordance with the approved Construction Air Quality Management Plan, which would be updated to include the proposed modification.</p>
		<p>Potential for the excavation associated with the proposed modification to lead to the exposure of</p>	<p>The Site Audit Report and Site Audit Statement issued for Butcher's Knife Part Lot 4 DP 1197707 by AECOM (2016)</p>

Category	Condition Reference	Matter raised	Response
		PFAS contamination, stating that PFAS contamination needs to be controlled.	identified that the Butchers Knife does not contain areas identified as being potential PFAS sources.

5.0 Proposed modification clarifications

Introduction

The Proposed Modification, described in detail in Section 6 of the Modification EIS, seeks a minor extension of the construction and operation footprint of the MPE Site to accommodate the requirement for OSD batters imposed by CoC B40 (c)(iii) and the removal of the requirement for batters for OSD 9 to allow it to be constructed with vertical walls.

Government agency and individual submissions have been responded to in the preceding sections, however, as outlined in the response to the EES submission in Section 3, there are a small number of minor changes or clarifications relating to the assessment of the potential biodiversity impacts of the proposed modification.

Biodiversity Development Assessment Report (BDAR) clarifications

The BDAR considered the construction and operational impacts of the proposed modification. As recommended by the EES, additional survey work was undertaken by the Applicant. The additional survey took place on 4 September 2019 and, as outlined in Section 3.2, resulted in changes to the following aspects of biodiversity in the proposed footprint extension area:

- extent of native vegetation;
- extent of *Hibbertia puberula* subsp. *puberula* and *Persoonia nutans* impacted;
- presence of Koala habitat;
- offset credit requirements for *Hibbertia fumana*.

These changes require minor updates to the level of impact of the proposed modification, which is summarised below with any insertions from the information presented in the Modification EIS shown in **bold and underlined** and deletions shown as ~~strikethrough~~.

The potential biodiversity impacts of the proposed modification, as revised, are as follows:

- Clearing of all vegetation within the development site including one threatened ecological community. The total area of vegetation to be cleared is ~~4.6~~ **2.02** ha; the areas of native vegetation to be cleared comprise ~~two~~ **three** small, fragmented patches of vegetation totalling ~~0.46~~ **0.19** hectares. The total area to be cleared consists of one plant community type (PCT):
 - ~~0.46~~ **0.19** hectares of Hard-leaved Scribbly Gum – Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin. This PCT corresponds with the TEC Castlereagh Scribbly Gum Woodland in the Sydney Basin Bioregion, which is listed as vulnerable under the BC Act and Castlereagh Scribbly Gum and Agnes Banks Woodlands ecological community listed as endangered under the EPBC Act.

- The proposed modification will have direct impacts on habitat for three threatened plant species (all of which are 'area' assessed species), including:
 - *Hibbertia puberula* subsp. *puberula* (0.59 **1.00** hectare).
 - *Hibbertia fumana* (0.14 hectares).
 - *Persoonia nutans* (0.33 **0.70** hectares).
- **The proposed modification will have direct impacts on 0.29 hectares of Koala habitat.**
- *Hibbertia fumana* is a candidate species for Serious and Irreversible Impacts. An assessment of the potential impacts of the proposed modification against the Serious and Irreversible Impacts criteria has been undertaken and a Serious and Irreversible Impact to the species is considered unlikely.
- Potential indirect impacts on records of *Persoonia nutans* and *Hibbertia puberula* subsp. *puberula* in the Hard-leaved Scribbly Gum – Parramatta Red Gum heathy woodland immediately adjoining the southern extent of the MPE Stage 2 site. Indirect impacts may include increased sedimentation, changes to hydrology and increased risk of weed invasion, from adjoining areas.

Impacts on the identified ecological values have been avoided and minimised in the Proposed Modification as far as practicable. Where impacts cannot be avoided, the scale and extent of impacts has been determined, and a range of mitigation measures have been recommended to ameliorate impacts on the biodiversity values during construction and operation.

The following offset requirements have been determined for the proposed modification:

- **2 3** ecosystem credits for *Hard-leaved Scribbly Gum – Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin*.
- 2 species credits for *Hibbertia puberula* subsp. *puberula*.
- ~~0~~**1** species credit for *Hibbertia fumana*.
- 1 species credit for *Persoonia nutans*.
- **3 species credits for Koala.**

The impact summary for PCTs and threatened species credit species, provided as tables 25 and 26 in the revised BDAR (Arcadis, 2019), are provided below as Tables 3 and 4, respectively.

Table 3: Impact summary for PCTs requiring offsets and the associated ecosystem credit requirement

Vegetation zone	PCT Name	Vegetation Class	Area to be impacted	Change in vegetation integrity score	Credits required
1 (883_Poor)	Hard-leaved Scribbly Gum – Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin Bioregion	Sydney Sand Flats Dry Sclerophyll Forests	0.17 0.19 ha	-30.1	2 3

Table 4: Impact summary for threatened species credit species requiring offsets and the associated species credit requirements

Scientific name	BC Act status	EPBC Act status	Vegetation Zone	Habitat integrity score	Direct impact area	Credits required
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	Endangered	Not listed	883_Poor	30.1	0.08 0.09	1
			883_Cleared	3.1	0.51 0.91	1
<i>Hibbertia fumana</i>	Critically endangered	Not listed	883_Cleared	3.1	0.14	1 ¹
<i>Persoonia nutans</i>	Endangered	Endangered	883_Poor	30.1	0.02	0
			883_Cleared	3.1	0.33 0.68	1
<i>Phascolarctos cinereus</i>	Vulnerable	Vulnerable	883_Poor	30.1	0.19	3
			883_Cleared	3.1	0.10	0

As noted in the Modification EIS, it is anticipated that the timing of offsets for the proposed modification will be subject to similar requirements to MPE Stage 2 (i.e. Condition of Consent B104) and evidence of the retirement of credits would be required prior to the impacting of associated native vegetation and threatened species. The required number of offsets will be met through a combination of direct credit retirement from the approved biobanking site for the Moorebank Precinct where available, purchasing credits from offsite sources, or making a payment to the Biodiversity Conservation Trust.

As noted in the Modification EIS, the MPE Stage 2 Construction Flora and Fauna Management Plan (CFFMP), which is currently being implemented onsite, would be revised to include the Proposed Modification. Any clearing of native vegetation associated with the Proposed Modification would occur under the approved CFFMP.

6.0 Conclusion

A modification application in respect of SSD 7628 was submitted by the Applicant to DPIE on 15 March 2019. The modification application sought for minor changes to the stormwater management system of the approved development in response to the additional design requirements placed on this aspect by the conditions of consent (CoC), specifically by CoC B40, which requires the preparation of an amended Stormwater Management Plan (SMP).

The modification application relates to the controls identified in CoC B40 for maximum batter slopes for onsite detention basins (OSDs), as set out in CoC B40(c)(iii) as follows:

“all on site detention basins to have maximum batter slopes of 1V:4H or, for works immediately adjacent to the Moorebank Avenue upgrade, an alternate slope gradient agreed to by RMS”

The modification application sought a change to the construction and operation footprint to accommodate an OSD (OSD 2) with 1V:4H batters in accordance with the design requirements specified in CoC B40(c)(iii). The modification application also sought to remove the 1V:4H requirement in respect of one OSD (OSD 9).

The proposed modification application and environmental impact statement (EIS) was placed on public exhibition between 19 July 2019 and 31 July 2019.

An application to modify the MPE Concept Plan Approval (MP 10_0193), the MPE Concept Plan Modification 3 (MP 10_0193_MOD3), prepared by Aspect Environmental (2019), was submitted concurrently with the SSD 7628_MOD 2 to ensure that the development remains consistent with the approved concept.

A total of 16 submissions were received from DPIE, comprising ten (10) submissions from the community and six (6) from the following Government agencies:

- DPIE – Environment, Energy and Science Group,
- DPIE – Water and the NSW Natural Resource Access Regulator,
- NSW Roads and Maritime Services (RMS),
- two from Liverpool City Council (LCC).

This Response to Submissions document provides a direct response to each of the issues raised in all 16 submissions, including provision of clarifications and further assessment where requested.

In accordance with section 4.55(1A) of the EP&A Act, the proposed modification is considered appropriate to approve as:

- The consent as proposed to be modified is substantially the same development as the development for which consent was granted;
 - The proposed modification will not result in any environmental impacts beyond those previously assessed; and
- The proposed modification remains generally consistent with the approved development.

Appendix A: Government Submissions



Mr Richard Johnson
Director
Aspect Environment Pty Ltd
117/25-27 Solent Circuit
BAULKHAM HILLS NSW 2153

21 August 2019

Dear Mr Johnson

MPE Stage 2 MOD 2 (SSD-7628-Mod-2) and MPE Concept MOD 3 (MP 10_0193 MOD 3)

Response to Submissions

The exhibition of the modification applications for the above proposals ended on Wednesday 31 July 2019. All submissions received by the Department during the exhibition of the two modifications are available on the Department's website at www.planningportal.nsw.gov.au/major-projects/projects.

The Department requires that you provide a response to the issues raised in those submissions.

The Department also requests additional information on the following matters to address key issues:

- OSD basin 9 design changes
- justification for the expansion of the current boundary and the proposed footprint for OSD basin 2
- adequacy of the biodiversity impact assessment.

Further details concerning the above are presented in **Attachment 1**.

Agency feedback is included in **Attachment 2**, for your review and response.

The Department will forward you a copy of Liverpool City Council's submission shortly.

If you have any questions, please contact Dominic Crinnion on (02) 9274 6495, or by email at Dominic.Crinnion@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Gainsford'.

David Gainsford
Executive Director
Infrastructure

Enclosed/Attached: Department's Key Issues; Agency Feedback

Attachment 1

Department's key issues

OSD basin 9 design changes

Insufficient detail has been provided in the modification application to enable the Department to complete its assessment in relation to:

- how the drainage design has been modified
- how the modified drainage design will function, particularly in relation to stormwater treatment.

Accordingly, the Department requests:

- consolidated drawings showing OSD basin 9 (plan views and cross sections), including existing and finished surface levels, and the downstream bioretention area/ raingarden in the MPW site. It is recommended that you provide your most detailed drawings, such as work-as-executed drawings, in order for the Department to verify that the design can comply with relevant consent requirements
- construction schedule for installation and commissioning of the raingarden and repair of the existing open concrete channel (aka the 'east-west channel') on the MPW site
- details for treatment of stormwater from OSD basin 9 (plan views and sections), prepared by a suitably qualified professional, post-development of MPW Stage 2 (if approved).

Expansion of southern boundary

The Department is concerned that the proposed OSD basin 2 concept design as presented requires the removal of additional threatened plant species and could result in additional habitat/ riparian corridor impacts, and requests that you provide:

- a consolidated description of the justification for locating OSD Basin 2 outside the existing site footprint, with reference to existing physical site constraints, and demonstrating that this land would be used for drainage and not other uses (such as warehousing etc.)
- information demonstrating how consideration was given to minimising impacts to threatened species through the design development
- alternative layouts (sufficient for maintenance access and transition to existing ground levels at the site boundary) which avoid threatened plants or reduce the area/ number of threatened plants impacted.

Drawings are to include dimensions of the basin footprint, distances to the Anzac Creek riparian corridor and the width of the riparian corridor at a scale of 1:500 @ A1.

Biodiversity Impact Assessment

The Department requests that you address the EES Group comments (see **Attachment 2**) including undertaking an additional survey for *Hibbertia fumana* during the current flowering season with the results of this and impacts on core Koala habitat being addressed in a revised Biodiversity Development Assessment Report (BDAR). The revised BDAR is to be prepared in accordance with the *Biodiversity Conservation Act 2016*.



DOC19/630106
MP10_0193 MOD 3 & SSD 7628 MOD 2

Ms Heather Nelson
Senior Planner, Water and Intermodal Assessments
Planning and Assessment
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Nelson

Re: Modification Request for the Moorebank Precinct East Concept Plan (MP 10_0193 MOD 3) and Moorebank Precinct East Stage 2 (SSD 7628 MOD 2)

I refer to your letter of 16 July 2019 inviting comments from the Environment, Energy and Science Group (EES) on the above modification.

EES has reviewed the Biodiversity Development Assessment Report (BDAR) supporting the proposed modification and provides the following comments:

- The flora survey was not conducted during the required season for *Hibbertia fumana*. The 3m separated transects and the open ground of the site mean that detectability should not have been an issue. However, the Biodiversity Assessment Method (BAM) requires that flowering material be present for species identification.
- The credits for *Hibbertia fumana* have been rounded to zero. However, section 11.2.3.6 of the BAM advises that 'where the total number of credits calculated for a vegetation zone by the assessor is not a whole number, the assessor is to round it to the nearest whole number using conventional rounding rules, except if the number being rounded is less than one, in which case the number of credits is rounded to one'. It is noted the BAM Credit Summary Report (Appendix B) shows the species credits is zero, however, it is assumed the calculator has not applied the BAM correctly.
- Recent biodiversity assessments of adjoining land and the Moorebank Precinct West site indicate all the vegetation mapped as PCT 883_Poor and the individual trees within PCT 883_Cleared should be considered Koala habitat and offset. The latter is consistent with other projects with scattered trees in a cleared landscape.

EES recommends the above matters be addressed in a revised BDAR.

Should you have any queries regarding this matter, please contact Richard Bonner, Senior Conservation Planning Officer, on 9995 6917 or at Richard.Bonner@environment.nsw.gov.au.

Yours sincerely

S. Harrison 13/08/19

Susan Harrison

**Senior Team Leader Planning
Greater Sydney
Climate Change and Sustainability**



OUT19/9623

Heather Nelson
Senior Planner
Planning and Assessment Group
NSW Department of Planning, Industry and Environment

heather.nelson@planning.nsw.gov.au

Dear Ms Nelson

**Moorebank Precinct East Concept Plan (MP 10_0193 MOD 3) and
Moorebank Precinct East Stage 2 (SSD 7628 MOD2)
EIS Exhibition**

I refer to your email of 16th July 2019 to the Department of Planning, Industry and Environment (DPIE) – Lands, Water and Department of Primary Industries (DPI) about the above matter.

The following advice for you to consider is from relevant branches of Lands & Water and DPI.

DPIE – Water and the NSW Natural Resources Access Regulator (NRAR)

As a mitigation measure, the stormwater retention ponds may require an impermeable liner where they intercept the water table. This would be required where recharge of poor quality water from the ponds could compromise the aquifers highest beneficial use. DPIE Water will need to consider this further at the detailed design stage.

Any further referrals to DPIE – NRAR & Water can be sent by email to:
landuse.enquiries@dpi.nsw.gov.au.

Any further referrals to DPI & Crown Lands can be sent by email to: dpi.cabinet@dpi.nsw.gov.au
& lands.ministerials@industry.nsw.gov.au respectively.

Yours sincerely

A handwritten signature in blue ink that reads 'Liz Rogers'.

Liz Rogers
Manager, Assessments
DPIE Water – Strategic Relations
28 August 2019



6 August 2019

RMS Reference: SYD12/00072/36 and SYD12/00072/37 (A28513582)
DP&E Reference: SSD 7628 MOD 2 and MP10_0193 MOD 3

Director, Social and Infrastructure Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Dominic Crinnion / Heather Nelson

Dear Ms Harragon,

**PROPOSED CHANGES TO THE DRAINAGE SYSTEM LAYOUT AND BATTERS FOR
STORMWATER DETENTION BASIN 9 ALONG WITH ADJUSTMENT TO THE SOUTHERN
BOUNDARY – MOOREBANK PRECINCT EAST (MPE) STAGE 2 SSD 7628 MOD 2 AND
MOOREBANK PRECINCT EAST CONCEPT PLAN MP 10_0193 MOD 3 – MOOREBANK
AVENUE, MOOREBANK**

Reference is made to your correspondence dated 16 June 2019, regarding the abovementioned Application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the submitted information specifically in relation to the adjustment to the southern boundary of the site to facilitate a revised drainage system layout and the remove the requirement of maximum batter slopes of 1V:4H for Stormwater Detention Basin 9 and have no objections to the proposed changes. Roads and Maritime will review the proposed change and the geotechnical investigation during detail design stage associated with the WAD attached to SSD 7628. This review will include confirmation that the proposed change was consulted with the Project Verifier (currently SMEC).

Roads and Maritime agrees to the revised wording of Condition of Consent B40(c)(iii):
...(iii) all on site detention basins to have maximum batter slopes of 1V:4H, with the exception of OSD 9, or, for works immediately adjacent to the Moorebank Avenue upgrade, an alternate gradient agreed to by RMS;...

It is noted the Voluntary Planning Agreement for Moorebank Precinct West provides for the Moorebank Avenue Realignment. Roads and Maritime seeks the Department's guidance on whether the proposed boundary realignment will impact the future Moorebank Avenue Realignment.

Any inquiries in relation to this Application can be directed to Amanda Broderick on 8849 2391 or development.sydney@rms.nsw.gov.au

Yours sincerely,

Rachel Cumming
**Senior Manager Land Use Assessment
North West Precinct**

Roads and Maritime Services

NSW Department of Planning, Industry & Environment
GPO BOX 39
SYDNEY NSW 2001

Sent by email: heather.nelson@planning.nsw.gov.au

Re: Exhibition of Modification Request for the Moorebank Precinct East Concept Plan (MP 10_0193 MOD 3) and Moorebank Precinct East Stage 2 (SSD 7628 MOD 2)

Dear Heather,

Council has reviewed both modification applications as follows.

Moorebank Precinct East Concept Plan (MP 10_0193 MOD 3)

- Adjustment to the southern boundary of the site to facilitate a revised drainage system layout and design.

Moorebank Precinct East (MPE): Stage 2 MOD 2

- Adjustment to the southern boundary of the site to facilitate a revised drainage system layout and design; and
- Remove the requirement of maximum batter slopes of 1V:4H for Stormwater Detention Basin 9.

It is considered that the impacts of the revised drainage system layout and design and the alteration to maximum batter slope requirements have been sufficiently addressed. Council notes that the OSD systems on site will not be transferred to Council and therefore Council has no further comments in relation to both of these applications.

Should you require any further information on this matter, please contact Luke Oste, Strategic Planner on 87117886.

Yours sincerely



David Smith
Manager Planning and Transport Strategy

NSW Department of Planning, Industry & Environment
GPO BOX 39
SYDNEY NSW 2001

Sent by email: heather.nelson@planning.nsw.gov.au

Re: Exhibition of Modification Request for the Moorebank Precinct East Concept Plan (MP 10_0193 MOD 3) and Moorebank Precinct East Stage 2 (SSD 7628 MOD 2)

Dear Heather,

Council has reviewed both modification applications as follows.

Moorebank Precinct East Concept Plan (MP 10_0193 MOD 3)

- Adjustment to the southern boundary of the site to facilitate a revised drainage system layout and design.

Moorebank Precinct East (MPE): Stage 2 MOD 2

- Adjustment to the southern boundary of the site to facilitate a revised drainage system layout and design; and
- Remove the requirement of maximum batter slopes of 1V:4H for Stormwater Detention Basin 9.

It is acknowledged that we previously wrote to the department regarding these two applications. Following the provisions of additional time to further assess these applications, Council has the following additional comments.

The proposed extension to the southern boundary results in an encroachment into the riparian zone of Anzac Creek. Council is concerned about the impacts of this to Anzac Creek. The applicant should review the boundary of the proposed works and confirm no works are undertaken within the riparian corridor of Anzac Creek.

The proposed modification to stormwater detention basin 9 has been justified in a manner of ways. This includes providing safety precautions such as fencing, signage, access ramps, flood indicators, ladders and refuge areas. Council is satisfied with the proposed change to OSD 9 on the proviso that these safety measures are employed and maintained. In terms of visual impact, Council acknowledges that dark coloured mesh fencing with landscaping is proposed to soften the visage of the OSD. Council stresses the need to have high quality landscaping that provides a variety of amenity benefits along the boundary of the OSD. This landscaping should be selected carefully to ensure it is well suited to the climate of the locality, and is maintained to assure its ongoing health and function. Finally, it is Council's concern that if the water within OSD 9 is still for extended periods of time, stagnation may occur and attract mosquitos that could spread vector-borne diseases. This potential health issue should be addressed by the applicant, and effective mitigation strategies implemented accordingly.

Should you require any further information on this matter, please contact Luke Oste, Strategic Planner on 87117886.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Michael J. Midson".

Michael Midson
Executive Planner

Appendix B: Community Submissions

Submission Id	Submitter ID	Classification	Name Withheld	First Name	Last Name	Suburb	State	Postcode	Submission
SE-69629	S-69612	Object	Yes	Withheld	Withheld	Casula	New South Wales	2170	I would like to object to MPE Stage 2 SSD 7628 Mod 2. This appears from documentation provided to involve a 1.5hectare land encroachment on and development by the Moorebank Intermodal applicants, of part of an area they are in my opinion inappropriately calling the "Butchers Knife" when it is highly ecologically sensitive buffer zone land for the fully protected "boot land" Cumberland Plains woodland. They want to put batters for a water detention basin OSD2, which presumably could have been designed within their vast development footprint. There will be impacts (destruction) to threatened flora on the 1.5 hectares, and also impacts (weeds, hydrology impacts, pollution etc) on the adjacent boot land woodland. It is a radical transformation of their approved plans, and the modification should be refused. It is unclear why a different design could not be used in order to preserve this irreplaceable ecologically important land.
SE-69645	S-69627	Object	No	Ian	Pryde	WATTLE GROVE	New South Wales	2173	The proposed changes to the southern boundary of MP East is unacceptable as removing the highly sensitive buffer zone will cause long term damage to the fully protected Cumberland Plains Woodland (Boot Land). This additional proposal after approvals had been completed to ensure this area remains protected is totally unacceptable by the company and shows they have no interest in working with the local community or showing any regards for the local environmental issues and surrounds. With the project nearing commencement where receipt of Containers will take place, the first trucks carrying containers away from the Intermodal site will begin to impact our local roads. To this point, there has still been no options for a solution to the M5 Weave & Merge for both East and West Directions, currently listed as being one of the worst black spots in the state. The increase of trucks, both departing and travelling to the Intermodal site, into this already congested area will only increase the major issues being experienced and no doubt, increase the number of accidents and most likely, also fatalities. For the Department of Planning to allow this project to proceed and the trucks to start rolling without proper solutions in place, let alone even identified and thus endangering the lives of the South West Community is a severe oversight for all those involved.
SE-69750	S-69732	Object	Yes	Withheld	Withheld	WATTLE GROVE	New South Wales	2173	Any modification to the current approval covering the Hibbertia Puberula should not be allowed. I find it disturbing and immoral that this request for more land is in a highly ecologically sensitive buffer zone land for the fully protected "boot land" Cumberland Plains woodland which was previously saved in a court case. There will be impacts (destruction) to threatened flora on the 1.5 hectares, and also impacts (weeds, hydrology impacts, pollution etc) on the adjacent boot land woodland. I am confused and angry that this developer obtains an approval and then requests a modification, increasing the impact that that this inappropriate operation will have on the local residents and environment. When will the proponents cease making changes to their development and give nearby residents peace of mind?
SE-69751	S-69733	Object	Yes	Withheld	Withheld	CHIPPING NORTON	New South Wales	2170	I have attached the details of my objection in the attached document

Submission Id	Submitter ID	Classification	Name Withheld	First Name	Last Name	Suburb	State	Postcode	Submission
SE-69753	S-69735	Object	No	David	Mawer	WATTLE GROVE	New South Wales	2173	<p>How nice these people are again making a mockery of themselves through poor planning, poor modelling, a multitude of project amendments and incompetent management.</p> <p>Suitable provision for detention structures is more than adequately available in the land that sits to the south east boundary of the already allocated site (to the east of the proposed acquisition). Sufficiently large parcel(s) of land have been gifted to the proponents presently to undertake appropriate drainage and holding of water within the boundary of the current site without extension. Sufficient time has been gifted to the proponents for accurate assessment, modelling and concept amendment for a hydrological plan (or SMP) considering all relevant factors (flow volumes, velocity, gradients, basin volumes, catchment areas, treatment requirements, etc).</p> <p>There has been sufficient time to adjust this well within the relatively early phases of construction. With successive amendments to the original plans, due diligence on environmental impact and potentially a review of a fire risk assessment including the detention and discharge of runoff (surface) waters within the catchment boundary should well have been accurately and precisely (give or take) planned, openly consulted and incorporated into the previous plan. Not now through an amendment with a land grab application. Unacceptable! Stage 2 had approved the expansion of land uses and did not explore the requirement for storm water provisions from runoff.</p> <p>And what of the detention of water in a basin on the margins of a development in a wet weather event? Once water overflows from infrastructure and is transported off site, what then? Has the whole PFAS mess disappeared? Good.</p> <p>Section 4.55 of the EP&A Act indicates "modifications involving minor error misdescription or miscalculation. Is this what we are dealing with? If so, is this the "get out of jail free" card for the proponents on a number of calculations and projections that they have provided, such as traffic? I digress, but here we are.</p>
									<p>Page 11 of the MPE Concept Plan Approval Mod3 states:</p> <p>"The initial stage of the amended SMP, MPE Stage 2 Warehouse 1 Precinct Stormwater Management Plan (SMP W1P) (Arcadis Australia, 2018), was approved by DP&E on 2 July 2018. SMP W1P applies to the area known as the Warehouse 1 Precinct (W1P), located in the north-west corner of the MPE site (shown in Figure 1), and is currently being implemented.</p> <p>The second stage of the SMP, the MPE Stage 2 Stormwater Management Plan - Balance of Site (SMP BoS), prepared by Costin Roe, was submitted to DP&E on 23 October 2018. The SMP BoS includes an amended stormwater development layout and design in response to the requirements of CoC B40. The design of the amended stormwater system comprises: - a reduction in the size and number of OSDs at the site, i.e. replacement of central linear basins with underground tanks and redesign and relocation of OSD 1 to include 1V:4H batters; and - inclusion of 1V:4H batters for the revised OSD 2 in an expanded location into the land described as the "Butcher's Knife" to the south of the MPE site (Lot 4 DP 1197707) "</p> <p>Do the proponents intend upon having a whole precinct plan considered and delivered holistically as one project? They have failed. Now they ask for more land? Is PAC to reward the proponent's tardiness, lack of detail and incompetence by gifting this land for an oversight? Outrageous! NO! Why this project design adjustment has been made this late in the game again exposes the inadequacies of the proponent frequently amending project design and infrastructure through "ad nauseum" staging modifications, reflects tardy projections and modelling, and exposes management incompetence to appropriately plan and execute a project of this complexity, dynamic nature and magnitude. They continue on page 12 of the MPE Concept Plan Approval Mod3 to concede that provision for the above did not account for any spatial requirement for compliance required in the Stage 2 modification. This proposal to land grab is ultimately not the solution for the required amendment to the Stormwater Management Plan. Batter slopes from Mod2 could be modified within existing boundaries or margins of approval, not extend them, and there are other solutions most achievable with the margins of the land within which they have approved use of and</p>
SE-80670	S-80651	Object	Yes	Withheld	Withheld	Not supplied	New South Wales	0	
SE-80671	S-80652	Object	No	John	Anderson	WATTLE GROVE	New South Wales	2173	
SE-80672	S-80653	Object	Yes	Withheld	Withheld	WEDDERBURN	New South Wales	2560	
SE-80673	S-80654	Object	Yes	Withheld	Withheld	Not provided	New South Wales	0	
SE-80674	S-80655	Object	No	Allan	Corben	WATTLE GROVE	New South Wales	2173	

Moorebank Precinct East Concept Plan modification
MP10_0193 MOD 3

The proposed modification does not substantially change the nature of the development or use of the site and it supports the broader project benefits and their contribution to the **public interest**, including employment and shifting freight to rail, thereby reducing the impact of heavy vehicles on the road network. The above statement is completely false and is misleading to the Local Community

The main reasons why people are objecting to an Intermodal freight terminal at Moorebank are for the following reasons:

The exit ramp off Moorebank Avenue onto the M5. Article from the NRMA Magazine May/June 2019 issue and reads as following: The M5 Motorway at Moorebank has been voted the single worst congestion hotspot in NSW, after the NRMA conducted the largest transport survey in the State's history.

- The site is unsuitable for this type of development as it has only one road that is Moorebank Avenue (It is like it is on an island.)
- The proposal would adversely impact on the local and surrounding community.
- The technical reports provided with the application are inadequate and do not address the issues, they acknowledge that issues exist and that's as far as they go.
- The MPW and MPE application should be considered together to address increasing impacts and there should be one master plan for the entire Intermodal project. If they had one Master Plan given all the information we know now the project would never have been approved from the start.
- The increase in truck movement would have adverse community impact on the whole of the Liverpool Community as the existing road system is inadequate.
- We have had our State and Federal members object to this project, they have spoken in Parliament about their objections, but it still proceeds on.
- The Liverpool City Council is also objecting to the proposal.

The Legislative Council committee has called for the government to investigate freight rail options between the Port of Newcastle, Port Botany, and Port Kembla.

The committee has also recommended that the government review its Port Policy, including the potential for a container terminal in Newcastle, once the

Federal Court proceedings have concluded, or at such time as the House determines.

In 2014, the Port of Newcastle was leased to a private sector operator for a period of 98 years. Recently, that operator referred to as the Port of Newcastle has sought support for plans to develop a container terminal in Newcastle, which is argued, would enable economic growth in the Newcastle and Hunter region and alleviate congestion in Sydney, therefore reducing the need for public work infrastructure in Sydney. The Port of Newcastle has claimed that it is currently uneconomical for it to pursue a container terminal development due to provisions contained within the Ports Commitment Deeds.

The proposed modifications will have direct impacts on habitat for three threatened plant species including :

Hibbertia puberula (0.59 hectares)

Hibbertia fumana (0.14hectares)

Persoonia nutans (0.33hectares)

These threatened plants must be protected and words used,serious and irreversible impact to these species is considered unlikely. With the filling of 600,000cubic metres of fill on the site, sedimentation and flooding to the area must be solved to retain these threatened plants.

This Project is in a Residential area and will create Health problems from the pollution created by the large amount of truck movements in the area.

Robert Storey
30/07/2019

As a resident of Moorebank I thoroughly object to this development. Moorebank Intermodal east modifications will cause more traffic pollution and contamination noise in the area. These issues have not been properly addressed and you are now seeking a road at the rear of the development, which would bring the project closer to the Wattle grove Community. In the land and environment court residents against this development were awarded a 43 decibel reading which we believe will be impossible to achieve as noise cannot be mitigated in the area and we will seek compliance on the matter. You are on formal notice of my objection.

Resident against Intermodal

I refer to the current Exhibitions which closes today 31st July 2019 and repeat my concern about the new practise of opening an account and repeat my view that it seems like it is trying to limit the number of submissions which is received and posing a freedom of speech aspect and confirms my belief that our concerns have never been taken seriously and with the area expected to reach over 1.3 million residents in the future it is a matter of great concern that such a number of residents health and safety will be severely effected by this project and with the knowledge that only about 1 percent of the cargo is for this area it poses a unfair burden on an area which has a massive health problem and it has been related to me that the area has the third highest number of residents with disabilities and health problems which was confirmed by my attendance at a recent seminar where massive problems were revealed huge emergency attendance mental problems highest diabetes rate 5 per cent higher mortality rate cardiovascular rate which I have raised on a number of times MY concerns are

1 The high accident rate is a matter of great concern and has increased by over 20 per cent and I am greatly concerned about the constant sound of ambulances as I live near the M5

2 I have been effected by the short phasing of the Traffic lights which I have experienced over a long period with lights changing in 1 second which shows our traffic lights cannot cope with current enormous traffic gridlock

3 Also the doctors of the environment have stated the area is the highest pollution area in NSW and this was highlighted by Dr Edward in a recent SMH article

4 The area has a very high threatened and endangered species and plants including the Koala and Hibbertia Fumana and some of the last remaining areas of the Cumberland plain forest

6 Also I have raised serious concerns about the fire fighting foam PFAS and PFOS which still is under investigation which was used 70 metres from the Georges River there are still serious health concerns to be finalised

7 I have heard many strange noises over a long time and some have been located over a 1km away and with the Port Botany area proven to have a noise area of 3km and with 30000 in a 2km area in Liverpool it raises enormous concerns

8 As I am compiling this email there is a major accident on the M5 at Casula which is a common occurrence with queues back 8km

9 The area has a 53 percent of the population under 34 and the diesel emissions will pose a massive risk to their health and at a time when diesel vehicles are being restricted in many cities in the world this is unexcusable

10 The proponent has made it known it wants to build a road at the rear of the MPE which will bring pollution closer to over 8400 residents which shows how little regard our residents have been considered by all interested bodies

11 the Campbelltown area is a area of great increase of population and with traffic all coming through Liverpool the vehicles will not fit on our 24/7 gridlocked road which is recognised by the NRMA as the worst congested area in Sydney with the accident rate 20-40 times the desirable limit as I have been told there is not enough bitumen on our roads and any upgrades would only struggle to keep up with the expected increase with Liverpool increasing by 60 per cent and Campbelltown always stated to increase by 2-3 hundred residents it isn't hard to do the sums

12 In Port Botany only about 3 per cent of the containers are searched so the probability of drugs and guns would enter the area posing a great risk to residents

13 There are residents who live within 260 metres of the project and this is a matter which has never been properly considered

14 We have always known that if the area was changed to sustainable development it would provide 10 times the number of jobs as Container terminals and Warehouses are basically heavily automated industries

15 I have witnessed many vehicles coming to the area delivering fill which must have greatly affected the air pollution in the area which is absurd

16 I have been informed that a major outbreak of contamination could not be done as it requires the use of strong chemicals which would impact on residents and sites close to the site

John Anderson 4 Namoi Court Wattle Grove NSW 2173 Mob.0409368603

Subject: Moorebank Intermodal Modification2 Moorebank Intermodal precinct east ss 7628

I am opposed to the building of the Intermodal because our roads are so congested it is taking people hours to get to and from work, we were promised the 30 minute commute by the Greater Sydney Commission, but for many it is four hours travelling to and from work every day.

I had understood this complex was going to be just for trains, but our roads are not built for the huge trucks with dogs used today, and now the trains are so busy that there can be 50 people standing in each carriage, this is not an exaggeration this is how many people I counted when I last travelled in peak hours.

I wish to lodge my support for the comprehensive protest/objection lodged by Mr John Anderson on Wednesday 31 July .

The **Moorebank Intermodal Terminal** is a poorly thought out project which is an abuse of the potential of such a massive land asset.

Instead of taking advantage of the land resources in an area which would benefit greatly from such a development the well positioned site is to be squandered on the basis of a cheap but inefficient solution to the South West region's haulage and distribution needs . Little or no regard has been given to the potentials offered by the Badgery's Creek and other burgeoning developments in the Eastern Creek and Wetherill Park precincts

Apart from the massive diesel pollution this development will cause, little regard has been given to the huge impost on the local road systems. One ought to bear in mind that the planned volumes of trucking traffic seemingly failed to take in the impact of all the new suburbs being created between Liverpool ,Campbelltown and the Camden regions. There needs to be a re think and re-design (if not a cancellation) to take into account the changed conditions envisaged 20 -odd years ago.

On behalf of the local residents and the future population of the region I implore you to have a rethink and redesign in the context of the current and future developments of the Moorebank /Liverpool region. Should you wish to talk feel free to contact me at your convenience.

31st July 2019

I hereby submit the following submission on the Moorebank Intermodal Modification of consent 2 State Significant Development SSD 7628 July 2019.

Having been in opposition to this development for the past 9 to 10 years, I continue to be frustrated with the continual changes (MODS) that are requested by this developer, then subsequently approved by your department. Since day one, the developer's intent is to put forward an application to the planning department, which is then approved, then to request a modification to benefit their intended outcome, which potentially increases the negative impacts on the adjacent residential suburbs. It is high time that the planning department take the environment issue into consideration before approving any further applications/modifications on the development.

In respect of the above MOD, the following is submitted,

- (1) Figure 2 MPE Stage 2 clearly shows the developers intent to expand the size of their site by using land that don't have title for, IE using boot land, part of the MPW SITE, and what is currently Moorebank Avenue. The MPE development should be restricted to its original site boundary.
- (2) My family live in the southern area of the suburb of Wattle Grove, approximately 300 metres form the southern western corner of the site. Since this development commenced we have been inundated with excessive dust to the point that we have been forced to cover all our outdoor furniture, and regularly hose the dust from the concrete yard area (Till water restriction came into place) to reduce the risk of tracking the dirt into our house. We normally have the wind from the west, hence the movement of dust from the development site usually heads our way. Our current concern is the potential increase in dust with the developers proposed work in the southern end of their site to construct a large water retention basin, IE excavation. Dust suppression increase needs to be in place and policed.
- (3) We have concerns that the excavation to create water basins will expose the PFAS contamination that exists on the site. The excavation that is proposed in the southern area of the site is in close proximity of the Anzac creek. Movement of PFAS contamination needs to be controlled.

Appendix C: Revised BDAR

