



Moorebank Intermodal Precinct East - Stage 2 & Concept Plan Modifications

*State Significant
Development and Part
3A Modification
Assessment*

*(SSD 7628 MOD 2 &
MP 10_0193 MOD 3)*

January 2020

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	SIMTA, as Qube Holdings Limited
BCA	Building Code of Australia
CIV	Capital Investment Value
Concept Plan	Moorebank Precinct East Concept Plan (MP 10_0193)
Consent	Development Consent
Council	Liverpool City Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (previously NSW Office of Environment and Heritage)
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
MOD	Modification
MPE	Moorebank Precinct East
MPW	Moorebank Precinct West
OSD	Onsite Detention Basin
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SIMTA	Sydney Intermodal Terminal Alliance
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
Stage 2 SSD	Moorebank Intermodal Terminal Precinct East Stage 2 (SSD 7628)
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services)



Executive Summary

Aspect Environmental Pty Limited on behalf of SIMTA (Sydney Intermodal Terminal Alliance), as Qube Holdings Limited (the Applicant), seeks to modify the State Significant Development (SSD) consent (SSD 7628 MOD 2) for the Moorebank Precinct East (MPE) Stage 2 at Moorebank Avenue, Moorebank. This report also details the assessment of a section 75W modification request to modify the existing concept plan approval (MP 10_0193 MOD 3) to facilitate the SSD modification application.

The Moorebank Intermodal Precinct is former Defence land located at Moorebank, within the Liverpool Local Government Area (LGA). The MPE site is bounded by Moorebank Avenue to the west, residual, densely vegetated Commonwealth Land to the east and south (known as the 'Boot Land'), and the Defence Joint Logistics Unit (DJLU) immediately north and north-east of the site. The MPW site is located on the western side of Moorebank Avenue directly adjacent to the MPE site

The SSD modification application seeks approval to extend the construction and operational footprint at the southern extent of the MPE site to facilitate the new location of Onsite Stormwater Detention Basin (OSD) 2 and remove the requirement for maximum batter slopes of 1V:4H for OSD 9. A concurrent section 75W modification application (MP 10_0193 MOD 3) has also been lodged to reflect the additional proposed land to facilitate OSD 2 (as revised).

The Department has assessed the application in accordance with relevant legislation and policies. The modification to the concept plan is lodged pursuant to the former section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the modification to the SSD is lodged pursuant to section 4.55(1A) of the EP&A Act.

Engagement

The Department exhibited the modification application from 19 July 2019 until 31 July 2019. There were 14 submissions received, including 4 public authority submissions and 10 public submissions in objection.

Community concerns raised in public submissions were related to traffic impacts, poor planning outcomes, biodiversity, contamination, air quality, noise and the submissions process.

Matters raised by Liverpool City Council (LCC), which provided comment but did not object to the proposal, included commentary on the boundary of the proposed works for OSD 2 and sought confirmation no works are undertaken within the riparian corridor of Anzac Creek, the need for high quality and carefully selected landscaping along the boundary of OSD 9, as well as potential health issues if there is stagnant water in OSD 9.

Comments by Government agencies related to the Applicant's Biodiversity Assessment Method (BAM) to round the total number of credits calculated for *hibbertia fumana* to one, review of vegetation mapping for impacted Koala habitat, and consideration of the use of an impermeable liner for stormwater retention basins where they intercept the water table. Comments were also provided on whether the proposed boundary realignment will impact on the future Moorebank Avenue Realignment.

Assessment

The Department has considered issues specific to the proposed changes to the approved consents associated with the amended modification proposal. The Department considers the key assessment issue for the proposal

to be potential biodiversity impacts due to the extension of the southern footprint. Other issues that were taken into consideration during the Department's assessment of the modification applications include landscaping, alternative locations for OSD 2, safety and access, aboriginal heritage, non-indigenous heritage, bushfire hazards, the proposed Moorebank Avenue Realignment, contamination and amenity impacts. This assessment also captures the proposed changes to Condition B104 from SSD7628 MOD 1 due to overlap between the modification requests in relation to biodiversity impacts.

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. This includes employment and shifting freight to rail, thereby reducing the impact of heavy vehicles on the road network. The Department considers the proposed modification to be acceptable and recommends the consents be modified with conditions.



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1. Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent (SSD 7628 MOD 2) for Moorebank Precinct East (MPE) Stage 2 and an application to modify the existing Concept Plan (MP 10_0193 MOD 3) at Moorebank Avenue, Moorebank.

The SSD 7628 modification application seeks approval for:

- Extension of the construction and operational footprint at the southern extent of the MPE site to facilitate a revised drainage system layout and design
- Removal of the requirement for maximum batter slopes of 1V:4H for Onsite Stormwater Detention Basin (OSD) 9
- Revision of the biodiversity offset methodology.

The Concept Plan modification application seeks approval for extension of the construction and operational footprint at the southern extent of the MPE site.

The modification applications were lodged by Aspect Environmental Pty Limited on behalf of SIMTA (Sydney Intermodal Terminal Alliance), as Qube Holdings Limited (the Applicant), pursuant to section 4.55(1A) of the EP&A Act.

The Department has assessed the two modification applications in the same report as both applications seek adjustment to the southern extent of the MPE site.

1.1 Background

The MPE site, including the MPE Stage 2 site, is located approximately 27 kilometres (km) south-west of the Sydney central business district (CBD) and approximately 26 km west of Port Botany. The MPE site is situated within the Liverpool local government area, approximately 2.5 km from the Liverpool city centre. The site is approximately 800m south of the intersection of Moorebank Avenue and the M5 Motorway.

The MPE Project involves the development of an intermodal facility including intermodal rail terminal, rail link to the Southern Sydney Freight Line, warehouse and distribution facilities, freight village (ancillary site and operational services), stormwater, landscaping, servicing and associated works on the eastern side of Moorebank Avenue, Moorebank.

The MPE Stage 2 Project (SSD 7628) was approved on 31 January 2018 and involves the construction and operation of warehousing and distribution facilities on the MPE site and upgrades to approximately 1.5 km of Moorebank Avenue.

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 300,000m² GFA
- A freight village, comprising 8,000m² GFA of retail, commercial and light industrial land uses
- Establishment of an internal road network, and connection of the Project to the surrounding public road network
- Ancillary supporting infrastructure within the Project site, including:

- Stormwater, drainage and flooding infrastructure
- Utilities relocation and installation
- Vegetation clearing, remediation, earthworks, signage, lighting and landscaping
- An upgrade to Moorebank Avenue including the following key components:
 - Modifications to the existing lane configuration, including road widening
 - Adjusting the vertical alignment by about two metres from the existing levels, including kerbs, gutters and a sealed shoulder
 - Signaling and intersection works
 - Upgrading existing intersections along Moorebank Avenue, including:
 - Moorebank Avenue / MPE Stage 2 access
 - Moorebank Avenue / MPE Stage 1 northern access
 - Moorebank Avenue / MPE Stage 2 central access
 - MPW Northern Access / MPE Stage 2 southern emergency access
- Operations being undertaken 24 hours per day and seven days per week.

The Applicant has commenced construction. The location of the site and its surroundings are shown at **Figure 1**.

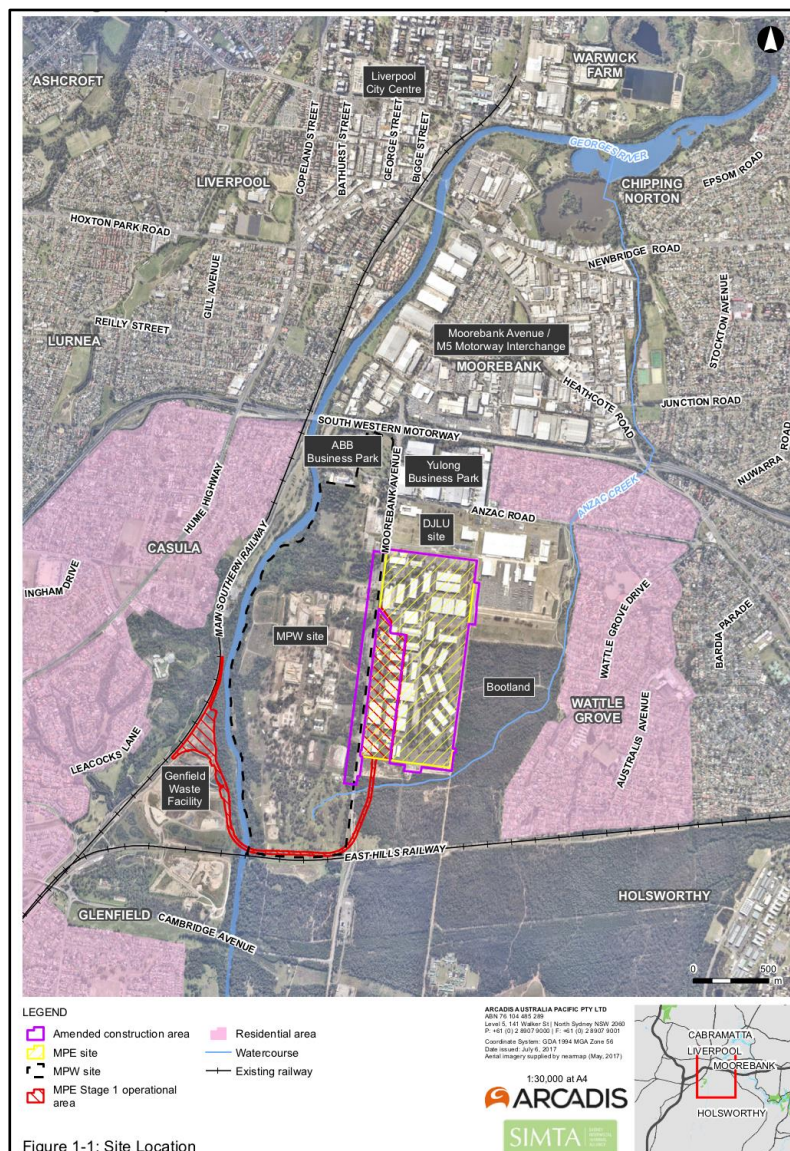


Figure 1 | Site Location (Source: Applicant's Modification Report)

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

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

- The MPW site, formerly the School of Military Engineering (SME), on the western side of Moorebank Avenue directly adjacent to the MPE site
- The Holsworthy Military Reserve, to the south of the MPE site on the southern side of the East Hills Rail Corridor
- Residual Commonwealth Land (known as the Boot Land), to the east of the MPE site between the site boundary and the Wattle Grove residential area.

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

1.2 Approval History

Moorebank Precinct East (MPE) Concept Plan – MP 10_0193

On 29 September 2014, the then Planning Assessment Commission (the Commission), as delegate of the Minister for Planning, approved a Concept Plan (MP 10_0193) for the use of the site as an intermodal facility, including:

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

Table 1 provides a summary of modifications in relation to the MPE Concept Plan to date.

Table 1 | Summary of Modifications to the MPE Concept Plan

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Revisions to the land description, Voluntary Planning Agreement and Statement of Commitments.	Planning Assessment Commission	75W	12 December 2014
MOD 2	Revisions to the land description, reconfiguration of internal road layouts, importation of fill, revised warehousing and freight village locations and layouts, expansion of land-uses within the freight village, revised proposed staging and subdivision.	Planning Assessment Commission	75W	31 January 2018
MOD 3	This modification	Department	75W	Under assessment

Stage 1 (SSD 6766)

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

- an intermodal terminal facility operating 24 hours, 7 days a week handling a container freight volume of up to 250,000 twenty-foot equivalent units (containers) per annum, including:
 - truck processing and loading area
 - rail loading and container storage areas
 - an administration facility and associated carparking
- a rail link running adjacent to the EHRL, connecting to the southern end of the site to the Southern Sydney Freight Line
- associated works including rail sidings, vegetation clearing, remediation and levelling works, drainage and utilities installation.

Stage 2 (SSD 7628)

On 31 January 2018, development consent was granted by the Commission for Stage 2 of the Moorebank Precinct East component of the Moorebank Intermodal Terminal (SSD 7628). This included:

- earthworks including the importation of 600,000m³ of fill and vegetation clearing
- 300,000m² of gross floor area (GFA) for warehouse use
- 8,000m² GFA within the freight village
- construction of internal roads and connection to the surrounding road network
- raising the level of and upgrading Moorebank Avenue, generally adjacent to the MPE site
- upgrading of Moorebank Avenue intersections with Moorebank Precinct East site access points, including the provision of interim entry points
- ancillary works including stormwater and drainage, utilities relocation/installation, vegetation clearing, landscaping, earthworks, remediation and signage
- operation 24 hours a day, seven days per week.

Determination of the subdivision component of the MPE Stage 2 development application was deferred by the IPC, and further information was provided by the Applicant later in 2018. Following the Department's assessment of the additional information, the subdivision aspect of the project was approved by the IPC on 5 April 2019, subject to conditions.

The SSD 7628 development consent includes the following conditions relevant to the modification applications:

- B40: Stormwater Management Plan
- B104: Biodiversity

The Stage 2 development consent has not been previously modified. There are currently two modifications under assessment, one the subject of this report. These are detailed in **Table 2**.

Table 2 | Summary of Modifications to SSD 7628

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Revisions to signage, timing for intersection design approvals and upgrades, biodiversity credit requirements and updating cross-referencing of conditions	Department	4.55(1A)	Under assessment

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 2	This modification	Department	4.55(1A)	Under assessment



2. Proposed Modification

The Applicant lodged modification applications seeking approval to amend the Moorebank Precinct East Concept Plan (MP 10_0193) and Stage 2 SSD 7628 consent. The Department has assessed the two modification applications in the same report as both consents require adjustment to the construction and operational footprint at the southern extent of the MPE site.

The modification applications seek approval for:

- Extension of the construction and operational footprint at the southern extent of the MPE site to facilitate OSD 2 (Stage 2 SSD and Concept Approval)
- Removal of the requirement for maximum batter slopes of 1V:4H to be applied to OSD 9 (Stage 2 SSD)
- Revision of the biodiversity offset credit methodology for *Hibbertia puberula* subsp. *puberula* (Stage 2 SSD).

The key proposed amendments are shown in **Figure 2** below.

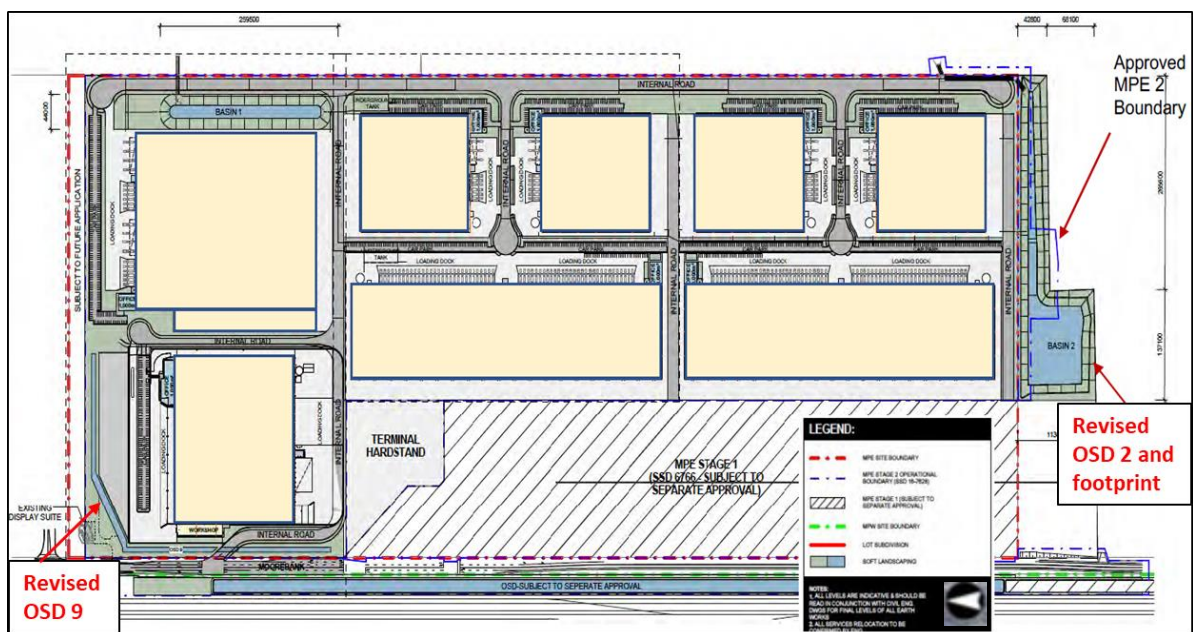


Figure 2 | MPE Site Map showing key proposed amendments (Source: Modification Report)

2.1 Extension of construction and operational footprint

The modification seeks to extend the construction and operational footprint at the southern extent of the MPE site by approximately 1.5ha. The land sought to be included in the development is legally described as Lot 4 DP 1197707 and is known as the “Butcher’s Knife”. The Applicant states the additional land is needed to accommodate a redesigned OSD 2 that addresses condition B40(c)(iii) of SSD 7628, requiring OSDs to have maximum batter slopes of 1V:4H.

This proposed change also requires modification to the MPE Concept Plan approval (MP 10_0193). Although Lot 4 DP1197707 formed part of the original application and was subject to the approval, the approved works in this area were limited to drainage works and this modified proposal will increase the amount of land within Lot 4 DP

1197707 that is sought to be used for the development as well as alter the nature of work in this area (see **Figures 3 and 4**).

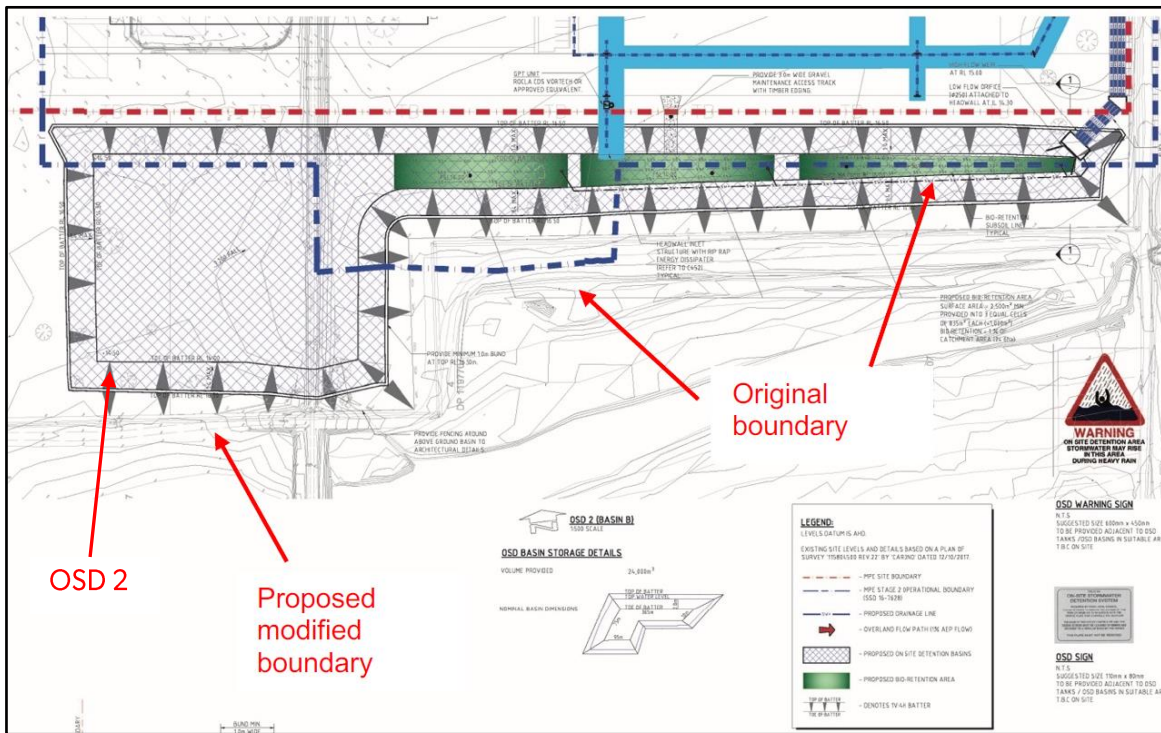


Figure 3 | Revised OSD 2 design and site boundary (Source: Modification Report, Costin Roe)



Figure 4 | Proposed boundary (red line) to existing boundary (blue dash) (Source: Modification Report)

2.2 Amendments to the design criteria governing OSD 9

The proposal seeks to remove the requirement for batter slopes to be applied to OSD 9 in the north-western section of the MPE site, so that OSD 9 will have approval to have vertical walls. **Figure 5** shows the proposed layout for OSD 9 (left) compared to the original layout (right).

The Applicant stated the need for the modification is in response to the additional design requirements placed by Condition B40 in SSD 7628, which requires the preparation of an amended Stormwater Management Plan. The Applicant advised that the modification is to enable the development to achieve the functional design, as approved in Concept and Stage approvals of provision.

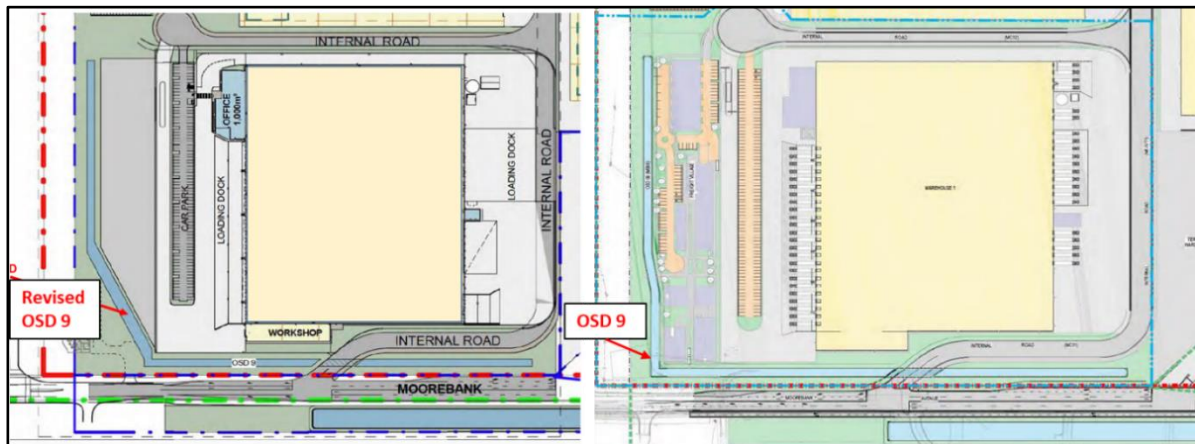


Figure 5 | OSD 9 layout, proposed (left) and original (right) (Source: Applicant's Modification Report)

2.3 Modification to Condition B104

Condition B104 of the existing SSD 7628 consent details the timing and the requirements for the biodiversity offsets for the project, including tables for both ecosystem and species-specific credits. These offsets were calculated in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*. The revised Biodiversity Assessment Report and Biodiversity Offsets Plan submitted with the application reflect changes to the *NSW Biodiversity Offsets Policy for Major Projects*. This included changes to the calculation methodology of the *Hibbertia puberula* subsp. *puberula* offsets. This revised calculation moved from being based on the number of individual species impacted to being based on the calculation of the impacted area.

The revised offset calculation methodology also forms part of MOD 1 to SSD 7628, which is currently under consideration.



3. Strategic Context

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

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

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

The Greater Sydney Commission's *Western City District Plan* states that:

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



4. Statutory Context

4.1 Scope of Modifications

Stage 2 SSD (SSD 7628 MOD 2)

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

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

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

MPE Concept Plan (MP 10_0193 MOD 3)

The Concept Plan was originally approved under Part 3A of the EP&A Act. The power to modify concept plans approved under Part 3A of the EP&A Act under former section 75W of the EP&A Act is being wound up. Clauses 3BA(2) and (3) of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (EP&A (ST&OP) Regulation) provide that an approved concept plan cannot be modified under section 75W on or after the cut-off date of 1 March 2018, unless the request to modify was lodged before 1 March 2018.

However, under Clause 3BA(5) of Schedule 2 to the EP&A (ST&OP) Regulation provides that a Concept Plan may continue to be modified under section 75W in response to a request lodged before or after 1 March 2018 if the Minister is satisfied that:

- a) the proposed modification is to correct a minor error, misdescription or miscalculation, or*
- b) the proposed modification is of minimal environmental impact, or*
- c) the project to which the concept plan as modified relates is substantially the same project to which the concept plan currently relates (including any modifications previously made under section 75W).*

The proposal seeks to expand the Concept Approval site boundary to include approximately 1.5 ha of additional land to the south of the MPE site in Lot 4 DP 1197707. The Department is satisfied that the proposal is within the scope of clause 3BA(5)(b) as it is of minimal environmental impact and the proposal as modified would remain substantially the same. **Section 6** of this report provides an assessment of the impacts associated with the proposal.

The Department notes that the Applicant's Concept Approval Modification Report refers to lodging the modification under section 4.55(1A), however as outlined above, the approval will continue to be modified under section 75W as it is a concept approval and as such is not transitioned to SSD. The Department considers that the environmental impact tests for these sections are similar and as such the Applicant's considerations provided in relation to section 4.55 remain appropriate for consideration as part of this modification.

4.2 Mandatory Matters for Consideration

The following environmental planning instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 – Hazardous and offensive development (Hazards SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment
- Liverpool Local Environmental Plan (LLEP) 2008.

The Department conducted a comprehensive assessment of the project against the above mentioned EPIs under section 4.15 of the EP&A Act as part of the original assessment of SSD 7628 and under the former section 75I of the EP&A Act as part of the original assessment of MP 10_0193.

The Department considers the modification applications do not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and is satisfied that the modifications are generally consistent with the EPIs.

The Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP) has also been considered during assessment of the modification applications. The Draft Remediation SEPP would retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. The Department is satisfied that the modification applications are generally consistent with the objectives of the Draft Remediation SEPP.

4.3 Biodiversity Conservation Act 2016

The proposed modifications are subject to the provisions of the *Biodiversity Conservation Act 2016*. As such, the Applicant submitted a revised Biodiversity Development Assessment Report (BDAR) which recommends changes to the original offset credits required in the SSD 7628 consent. This is discussed in detail in **Section 6.2**.

4.4 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

On 23 January 2012, the MPE project was determined to be a 'controlled action' (2011/6229) requiring assessment and approval under the EPBC Act in accordance with sections 18, 18A, 27 and 27A due to the likely significant impact of the threatened species and the site being on part Commonwealth land. In March 2014, the Commonwealth Government granted approval as a 'controlled action' under the EPBC Act subject to conditions. The Department notes that, as this modification is not part of the bilateral or accredited process, it is the Applicant's responsibility to comply with their EPBC obligations.

4.5 Consent Authority

The Minister will be the consent authority under s. 4.5(a) of the EP&A Act unless the Independent Planning Commission is the consent authority under cl.8A(2) of the SRD SEPP.

Minister's delegate as consent authority

The Minister for Planning is the consent authority for the applications under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Executive Director, Infrastructure Assessments, may determine the applications under delegation.



5. Engagement

5.1 Department's Engagement

The Department made the decision to jointly exhibit the two modification applications (SSD 7628 MOD 2 and Concept Approval MOD 3).

The modification applications were exhibited from 18 July 2019 until 31 July 2019:

- on the Department's website
- at the Department's office
- at Liverpool City Council and Campbelltown City Council's offices.

The exhibition was advertised in *The Daily Telegraph*, *Sydney Morning Herald*, *Liverpool Leader*, and *Campbelltown Macarthur Advertiser* on 17 July 2019. The modification applications were also referred to Liverpool City Council; Campbelltown City Council; the Environment, Energy and Science Group (EESG) of the Department of Planning, Industry and Environment (DPIE); Regions, Industry, Agriculture and Resources (RIAR) Group of the DPIE (Former Department of Industry); and Transport for NSW (Roads and Maritime Services) (TfNSW (RMS)).

Modification to Condition B104 – Previous exhibition as part of MOD 1

In addition to changing the area containing *Hibbertia puberula* subsp. *puberula* to be impacted, SSD 7628 MOD 2 also contains a revised offset methodology for determining the offset for *Hibbertia puberula* subsp. *puberula* offsets, with calculation changing from the number of individual species impacted to calculation of the impacted area. Consequently, this will change the method for calculation and the total offsets referenced in Condition B104.

A modification to Condition B104 of the SSD 7628 consent, including changes to the offset methodology, was also exhibited as part of a separate modification application (SSD 7628 MOD 1). Given that SSD 7628 MOD 1 has not yet been determined, it is appropriate that this report also acknowledges issues relevant to the revised offset methodology raised in the exhibition.

The Department exhibited the SSD 7628 MOD 1 application from 24 January 2019 to 08 February 2019 and referred the application to EESG, TFNSW (RMS), EPA and Council for comment. During the exhibition period for SSD 7628 MOD 1, the Department received 10 submissions on the proposal. Three were received from Government agencies, one from Liverpool City Council, one from a special interest group and five from the public. The five submissions from the public were all registered as objections, as was the submission from the East Liverpool Progress Association. Government agency comments were received from TFNSW (RMS), EESG and the EPA.

Comments received from EESG, Council and the community included comments of the proposed change to *Hibbertia puberula* subsp. *puberula* offset methodology.

5.2 Summary of Submissions (SSD 7628 MOD 2 and MPE Concept Plan MOD 3)

The Department received a total of 14 submissions, comprising 4 public authority submissions and 10 public submissions in objection. A summary of submissions received is provided in **Table 3** and **Table 4** below, and a full copy of the submissions is provided in **Appendix A**.

For completeness issues raised in relation to the revised offset methodology proposed as part of SSD 7628 MOD 1, as relevant to Condition B104, are also reproduced below in **Table 5**.

Table 3 | Summary of Government Agency, Council and Community Submissions

Submitters	Number	Position
Government Agencies	3	
• Environment, Energy and Science Group (EESG) of DPIE	✓	
• DPIE - Water Group and the NSW Natural Resource Access Regulator (NRAR)	✓	Comment
• Transport for NSW (Roads and Maritime Services) (TfNSW (RMS))	✓	
Council	1	
• Liverpool City Council	1	Comment
Community	10	
	10	Object
• Community Members	0	Support
	0	Comment
TOTAL	14	

5.3 Key Issues – Government Agency Comments (SSD 7628 MOD 2 and MPE Concept Plan MOD 3)

Table 4 | Summary of Government Agency Submissions

Environment, Energy and Science Group of DPIE (EESG)
EESG did not object to the proposal and sought that the following matters be addressed in a revised BDAR:
<ul style="list-style-type: none"> review the flora survey for <i>Hibbertia fumana</i> as the Biodiversity Assessment Method (BAM) requires that flowering material be present for species identification the BAM Credit Summary Report shows the species credits for <i>Hibbertia fumana</i> as zero, however where the total number of credits calculated is not a whole number and is less than one, the number of credits should be rounded to one recent biodiversity assessments of adjoining land and the MPW 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.
DPIE – Water Group and NSW Natural Resources Access Regulator (NRAR)
DPIE – Water Group and NSW NRAR did not object to the proposal and provided the following comments:
<ul style="list-style-type: none"> as a mitigation measure, the stormwater retention ponds may require an impermeable liner where they intercept the water table DPIE Water will need to consider this further at the detailed design stage.
Transport for NSW (Roads and Maritime Services) (TfNSW (RMS))
TfNSW (RMS) did not object to the proposal and provided the following comments:
<ul style="list-style-type: none"> TfNSW (RMS) will review the proposed change and the geotechnical investigation during detail design stage associated with the WAD attached to SSD 7628 the Voluntary Planning Agreement for MPW provides for the Moorebank Avenue Realignment. TfNSW (RMS) sought guidance on whether the proposed boundary realignment will impact on the future

Liverpool City Council (Council)

Council did not object to the proposal and in an initial submission stated that the impacts of the revised drainage system layout and design, and the alteration to the maximum batter slope requirements have been sufficiently addressed.

Council subsequently provided a supplementary submission with the following comments:

- the Applicant should review the boundary of the proposed works for OSD 2 and confirm no works are undertaken within the riparian corridor of Anzac Creek
- the proposed modification to stormwater detention basin 9 was justified
- there is a need to have high quality, carefully selected landscaping along the boundary of OSD 9
- the Applicant should address potential health issues if there's stagnant water in OSD 9.

5.4 Key Issues – Summary of Government Agency Comments (MOD 1)

A summary of comments provided in Public Authority submissions for SSD 7628 MOD 1, as relevant to Condition B104, are also reproduced below in **Table 5**.

Table 5 | Summary of Public Authority Submissions for Modification to Condition B104

Environment, Energy and Science Group of DPIE (EESG)

EESG did not object to the proposal and provided the following comments:

- the modifications in relation to *Hibbertia puberula subsp. Puberula* are supported
- modification in relation to *Persoonia nutans* is supported but EESG considers the credits required should be proportionally increased to 1540.

Liverpool City Council (Council)

Council did not object specifically to the modification of the proposal but notes the overall development for Moorebank Intermodal is not supported by Council. The following comments, relevant to Condition B104, were provided by Council:

- clarification sought as to how credits have been calculated, particularly in relation to *Hibbertia* and *Persoonia* credits
- clarification sought as to why only *Hibbertia* credits have been calculated using an area methodology
- clarification sought as to whether a 20 metre buffer area was included in the calculations
- Council requested to view a copy of the ecological report.

5.5 Public Submissions (SSD 7628 MOD 2 and MPE Concept Plan MOD 3)

The Department received 10 public objections in response to the exhibition of the modification requests. Key issues raised in public submissions are summarised in **Figure 6**, and copies of the submissions may be viewed in **Appendix A**.

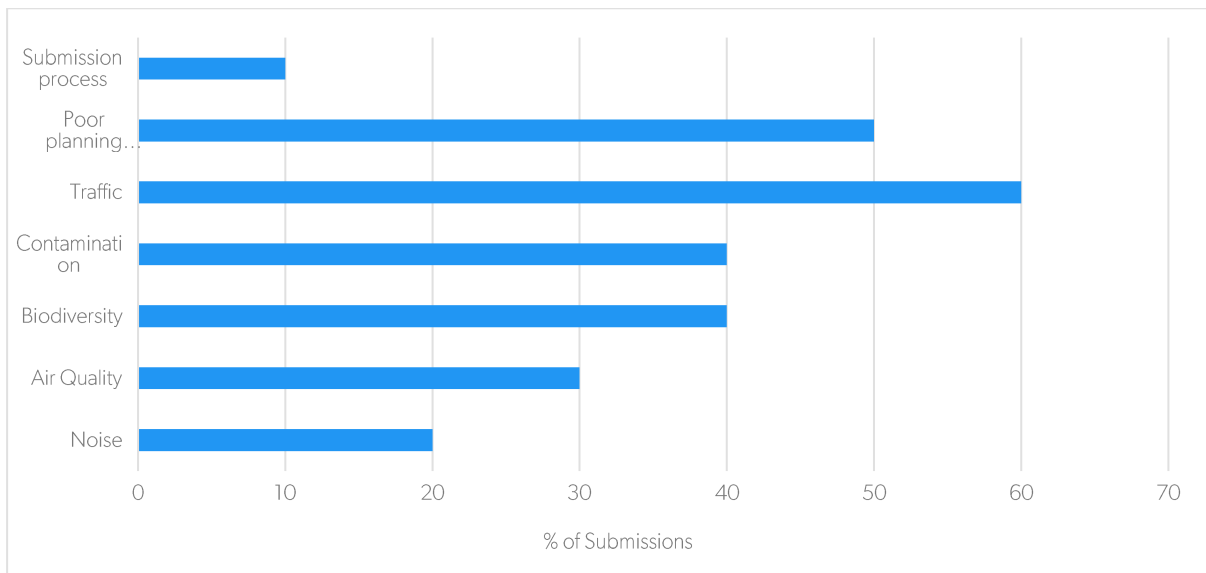


Figure 6 | Summary of submissions by category.

The Department has considered the issues raised in public submissions as part of the assessment of the proposal, which is detailed in **Section 6**.

5.6 Response to Submissions

The Applicant submitted a Response to Submissions (RtS) to address the issues raised during the exhibition of both modifications to SSD 7628 MOD 2 and Concept Plan MOD 3. (**Appendix A**). As part of the RtS, the Applicant submitted a revised BDAR. The Department made the RtS publicly available on the Department's Major Projects website.

The RtS was forwarded to EESG for comment, who stated that the revised BDAR adequately addresses its previous comments. No public submissions were received in response to the RtS for SSD 7628 MOD 2 and Concept Plan MOD 3.

A Response to Submissions report addressing community and government comments for SSD 7628 MOD 1, including matters relating to the revised biodiversity offset methodology proposed under MOD 1, was forwarded to the Department on 17 April 2019 by the Applicant. This was made available to the public on the Department's Major Projects website.

The Response to Submissions report for MOD 1 was forwarded to EPA, RMS, OEH and Council requesting advice on whether the Response to Submissions addressed their concerns. The responses from these Public Authorities, as relevant to Condition B104, are summarised below:

- EESG confirmed in a letter dated 21 May 2019 they had no further comments on the modification.
- Council provided a response to the Department on 5 June 2019 reviewing the information provided in relation to concerns raised in their previous submission. This was forwarded to the Applicant by the Department. In relation to the modification of Condition B104 in regard to biodiversity offset credits, Council notes a potential inconsistency in the assessment methodology. This was subsequently resolved by supplementary information.



6. Assessment

The Department has considered the modification applications, the matters raised in submissions and the Applicant's RtS in its assessment of the proposal. The key issues identified are discussed in detail below under the main elements of the proposed modifications. Other issues were taken into consideration during the Department's assessment of the application and are discussed at **Section 6.3**.

6.1 Amendments to the design criteria governing OSD 9

The Applicant proposes to delete the design criteria requirements in relation to OSD 9, to remove the requirement for 1V:4H batter slopes under condition B40(c)(iii). The design amendment will not relate to other OSD basins on the MPE site.

The modification application states that the proposed removal of the requirement for 1V:4H batters for OSD 9 does not have any implication for the functionality of OSD 9, nor does it seek to change the obligations to demonstrate this functionality in accordance with all aspects of condition B40. The Applicant advised that spatial restrictions on the OSD 9 footprint necessitated the construction of OSD 9 as an open basin with vertical walls, rather than 1V:4H batter slopes as required under condition B40(c)(iii) of the existing SSD 7628 consent.

The Applicant's RtS stated that the design for OSD 9 was included in the stormwater management plan for Warehouse 1, which was submitted to the Department's post-approval team for approval in 2019. The Department notes the submitted stormwater management plan for Warehouse 1 was reviewed in accordance with condition B40 of the SSD 7628 consent. The stormwater management plan (for Warehouse 1) is required to be finalised through the post-approval process, with a scope to make any refinements post-consent through approval of the updated stormwater management plan.

The Department recommends the addition of Condition B40A to the SSD 7628 consent, stating:

OSD 9 as described in the modification application SSD 7628 Mod 2 must comply with the conditions of this consent, including Condition B40, except for Condition B40(c)(iii).

Existing conditions require the approval of the final design of OSD 9 to be managed through the post-approval process.

The Department considers the proposal is acceptable as it seeks to change one of the design parameters and will allow the Applicant to finalise a better drainage design. The Applicant must continue to comply with all other conditions of consent.

Landscaping

In their submission on the EIS, Council emphasised the need for the Applicant to implement high quality landscaping along the OSD 9 boundary. Consequently, the Applicant's RtS included a commitment to provide high quality landscaping at OSD 9, in accordance with the Urban Design and Landscape Plan required under condition B140 of the SSD 7628 consent.

The Department further reiterates the Applicant's obligation to continue to comply with condition B140(e)(iv) of the SSD 7628 consent, requiring:

- 15% of the site be landscaped at ground level
- 10% of which must include soft landscaping and not include land set aside for future access ways.

This landscaping requirement will continue to be managed under the post-approval process.

6.2 Extension of the southern footprint

The proposal seeks to extend the Concept Approval site footprint at the southern extent of the MPE site to include the use of additional land in the area referred to as the 'Butchers Knife' in Lot 4 DP 1197707.

The Department considers the key assessment issue associated with the extension of the construction and operational footprint to be potential biodiversity impacts, which are discussed below.

Other issues associated with the proposed southern footprint extension such as aboriginal and non-aboriginal heritage, bushfire, contamination and other issues raised in public submissions are addressed in **Section 6.4**.

Biodiversity Impact

The proposal to extend the construction and development footprint for OSD 2 would require clearing of 2.02 ha of vegetation to the area immediately south of the MPE Stage 2 site. The Applicant submitted a new Biodiversity Development Assessment Report (BDAR) which considers biodiversity offsetting requirements associated with new impacts to threatened species and communities as a result of the amended proposal.

The proposed extended footprint area is predominately comprised of exotic grassland vegetation with scattered patches of native vegetation (0.19ha), including one threatened ecological community (TEC). The TEC identified as being directly impacted as a result of the amended proposal is summarised below in **Table 6**.

Table 6 | Areas of direct impact by plant community type and TEC (Source: Applicant's revised BDAR)

Plant community type (PCT)	Vegetation Zone	Equivalent TEC - BC Act	Equivalent TEC – EPBC	Total area of impact (ha)
Hard-leaved Scribbly Gum – Parramatta Red Gum healthy woodland of the Cumberland Plain, Sydney Basin (PCT 883)	883_Poor	Castlereagh Scribbly Gum Woodland in the Sydney Basin bioregion (vulnerable)	Castlereagh Scribbly Gum and Agnes Banks Woodlands ecological community (endangered)	0.19

The amended proposal would also have direct impacts to three threatened flora species and one threatened fauna species and its associated habitat. The additional impact to threatened flora and fauna species is summarised in **Table 7**.

Table 7 | Direct impacts to threatened flora and fauna species (Source: Applicant's revised BDAR)

Threatened flora/fauna species	Common name	Total area of impact (ha)
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	<i>Hibbertia puberula</i> subsp. <i>puberula</i>	1.00
<i>Hibbertia fumana</i>	<i>Hibbertia fumana</i>	0.14
<i>Persoonia nutans</i>	Nodding Geebung	0.70

Threatened flora/fauna species	Common name	Total area of impact (ha)
<i>Phascolarctos cinereus</i>	Koala	0.29

The Biodiversity Assessment Methodology (BAM) (OEH, 2017), in the BDAR for SSD 7628 MOD 2 and Concept Plan MOD 3, calculated that a total of 3 ecosystem credits and 7 species credits are required to offset the new impacts of the proposal. These offset requirements are as follows:

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

The Department notes that previous *Hibbertia puberula* subsp. *puberula* credits were calculated by the number of individual species impacted rather than calculation of the impacted area.

The proposal's biodiversity impacts to threatened flora and fauna species have been assessed in accordance with the BAM and the appropriate offset credits have been generated as identified above. To ensure the impacts are offset, Condition B104, will be modified to include the above-mentioned additional ecosystem and species credits. As per the existing condition, evidence of the retirement of offset credits is required prior to impacting the associated native vegetation and threatened species.

Hibbertia fumana

The Department notes the Applicant undertook targeted flora surveys when *hibbertia fumana* was in flower. The survey found that no individuals of this species were recorded within the proposal footprint, however one plant was recorded immediately adjacent to the footprint and the area of occupancy of the species overlaps with the western section of the site. The revised BDAR rounded the credits required for *hibbertia fumana* up to 1 credit, to reflect EESG's submission. The Applicant assessed the potential impacts of the proposed modification against the Serious and Irreversible Impacts criterion to *hibbertia fumana* and found these impacts are considered unlikely.

The Department considers the impacts to *hibbertia fumana* have appropriately been addressed and notes EESG reviewed the revised BDAR and confirmed that previous concerns have been addressed. The revised biodiversity offset credits and existing biodiversity and vegetation management plans will continue to appropriately manage and mitigate biodiversity impacts.

Overall, the Department has considered the impacts of the proposal on biodiversity values and concludes that the Applicant proposes to adequately offset those impacts.

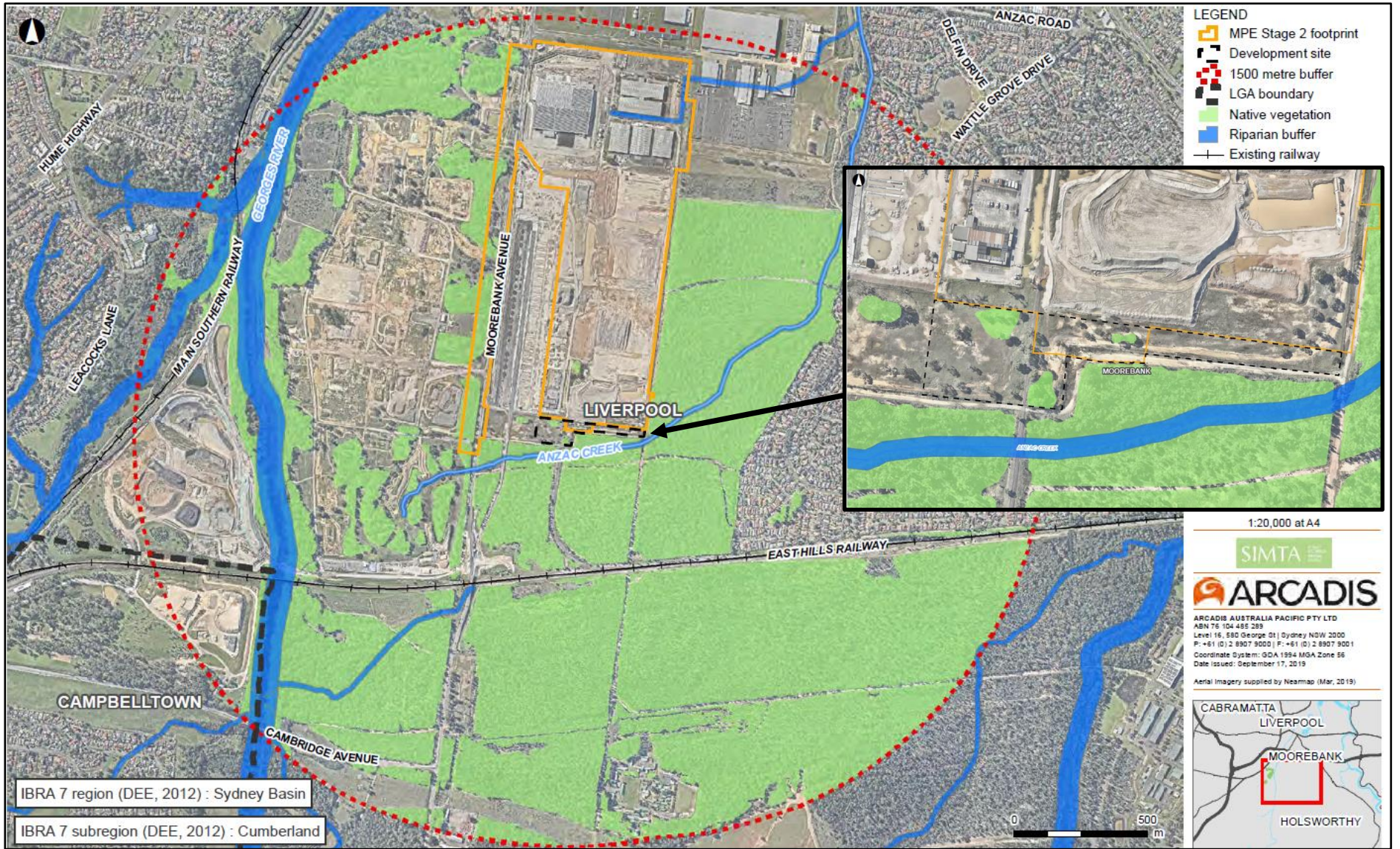


Figure 7 | Proposed extended construction and development footprint (Source: Revised BDAR, Arcadis)

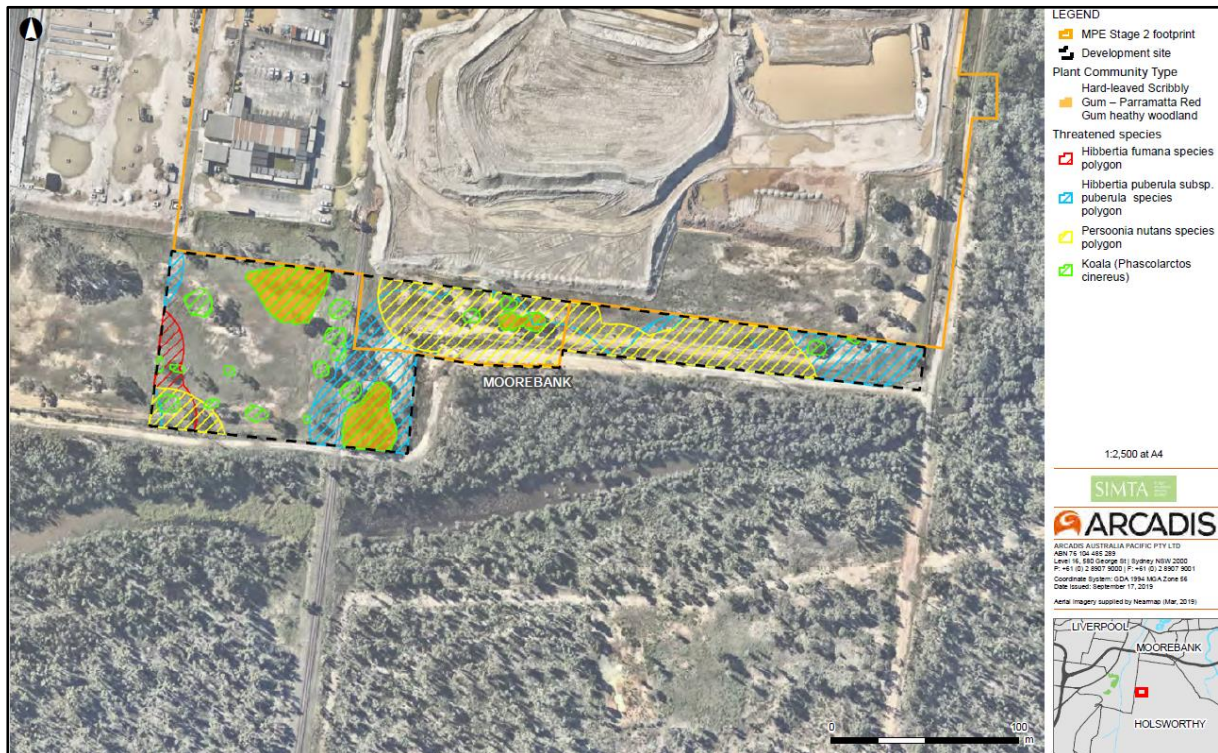


Figure 8 | Impacts requiring offset within the proposed extended footprint (Source: Revised BDAR, Arcadis)

Riparian corridor impacts

Council raised concern about the impacts to Anzac Creek as a result of the proposed footprint encroaching into the riparian zone of Anzac Creek. Anzac Creek is an ephemeral creek that originates within the MPW site from the cleared lands of the former golf course and flows north-east across Moorebank Avenue through the Boot Land (see **Figure 7** above).

The Applicant's RtS states that the south-western corner of the proposed extended footprint is approximately 20m from Anzac Creek and is no further than the extent of the previously disturbed and predominately cleared Butcher's Knife land, which is boarded to the south by an existing access road and fence line. The RtS concludes that as Anzac Creek is classified as a first order stream, the vegetated riparian zone (VRZ) is 10m.

The Department considers the extended footprint is acceptable as it does not encroach or directly adjoin the riparian corridor, or the biodiversity offset area within the area known as the Boot Land. The Butcher's Knife area is approximately 20m away from Anzac Creek at its closest point and as such it is considered that an appropriate buffer to the riparian corridor exists. The Applicant must continue to comply with existing erosion and sediment control conditions under the SSD 7628 consent.

6.3 Modification to Condition B104

The Applicant proposes to modify Table 7 within Condition B104 of the Consent to align with methodology changes by EESG to the Biodiversity Assessment Methodology (BAM). The revised methodology requires the calculation of impacts and offsets for *Hibbertia puberula* subsp. *puberula* to be calculated on an area basis, rather than an individual basis as previously undertaken and included in the SSD 7628 consent. No change was proposed to impacted individuals of the species.

The SSD 7628 MOD 1 report also identified a change to the number of impacted *Persoonia nutans* without a corresponding change to the credits which were required. This was queried by EESG in their submission and the

Applicant identified in the RtS that this was due to a transcription error from a draft report, noting that no change to the number of impacted *Persoonia nutans* was proposed to as part of the modification.

As part of their submission on the EIS, Council requested further information on the methodology used for the calculation of credits for *Hibbertia puberula* subsp. *puberula* which was provided by the Applicant as part of the RtS. Council provided further correspondence following review of the RtS, noting that there appeared to be an inconsistency between the Biodiversity Assessment Methodology and the methodology used for the calculation of the revised credits. It has been confirmed that the credits were calculated using a 30-metre dissolved buffer methodology described in Section 6.4 of the BAM for species identified as ‘count’ species. *Hibbertia puberula* subsp. *puberula* is identified as an ‘area’ species which would require a different assessment methodology. In correspondence dated 22 June 2018, EESG provided support to the adoption of the 30-metre dissolved buffer methodology for *Hibbertia puberula* subsp. *puberula*. On the basis of the EESG endorsement of this methodology for the calculation of credits, the Department considers the methodology used by the Applicant’s ecologist to be appropriate.

Concerns were raised in public comments around impacts to *Hibbertia puberula* subsp. *puberula* as well as to biodiversity generally, requesting that no additional impacts be approved.

The Department proposes to insert Condition B104A and Table 7B into the SSD 7628 consent as follows:

B104A *Prior to the commencement of construction, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in **Table 7B** and provide evidence to the satisfaction of the Secretary. The retirement of credits can be achieved by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator. Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.*

Table 7B Species credit requirements

Species	Impacted habitat area (ha)	Credits required
Nodding Geebung (<i>Persoonia nutans</i>)	0.70	1
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	3.49	103
<i>Hibbertia fumana</i>	0.14	1
Koala (<i>Phascolarctos cinereus</i>)	0.29	3

The Applicant must comply with the species credit requirements stated in both Tables 7A and 7B. The Department considers the proposed modification to Condition B104 and B104A to be appropriate. The Department notes that this change will capture the proposed modifications, SSD 7628 MOD 2 and Concept Plan MOD 3, as well as the revision to Condition B104 proposed in SSD7628 MOD 1.

6.4 Other Issues

Table 8 | Summary of other issues raised

Issue	Findings	Recommended Condition
Alternative location for	<ul style="list-style-type: none"> Public submissions raised concern that there is sufficient land for the revised OSD 2 to be located elsewhere within the existing approved site 	<ul style="list-style-type: none"> No additional conditions or amendments

Issue	Findings	Recommended Condition
OSD 2	<p>boundary footprint.</p> <ul style="list-style-type: none"> The Department also sought additional justification for locating OSD 2 outside the existing site footprint and alternative layouts which avoid threatened plants or reduce the area/number of threatened plants impacted. The Applicant in their RtS stated that the development of OSD 2 is constrained due to the: <ul style="list-style-type: none"> maintenance of the warehouse Gross Floor Area threshold presence of additional threatened species to the west shape of the Butcher's Knife lot adjacent to the Boot Land footprint of the proposed realignment of Moorebank Avenue 3 m wide maintenance access to satisfy condition B40(c)(v) 	<p>necessary.</p>
Safety and Access	<ul style="list-style-type: none"> The Applicant outlines safety measures that apply to OSD 9, considering it was built with vertical walls, including perimeter fencing, hazard signage, access ramps, flood depth indicators and refuge areas. 	<ul style="list-style-type: none"> No additional conditions or amendments necessary.
Aboriginal Heritage	<ul style="list-style-type: none"> An Aboriginal Heritage Impact Assessment was undertaken by Artefact in support of the SSD application. The modification application considers the proposal would not result in any change to indigenous heritage values or the already assessed impact and management controls. The Applicant also states that the proposed modification to the footprint has the potential to impact three isolated finds located along the vehicle track at the southern extent of the proposed extension. However, the toe of the southern batter would not extend onto the vehicle track where the isolated finds were found. Three isolated finds (2, 3 and 4) are located along the vehicle track at the southern extent of the proposed footprint extension which are deemed to be of low archaeological significance. The Applicant states that no direct impacts would be incurred to these finds as the southern batter would not extend onto the vehicle track where the isolated finds were found. Existing conditions require the Applicant to comply with mitigation measures outlined in the Construction Heritage Management Plan (CHMP) (Arcadis, 2018) prepared for MPE Stage 2. 	<ul style="list-style-type: none"> The Department considers that the proposal would not impact on the isolated finds and is satisfied that the existing conditions of consent would continue to manage and minimise impacts on heritage and any unexpected finds. No additional conditions or amendments necessary.
Non-Indigenous Heritage	<ul style="list-style-type: none"> A Non-Indigenous Heritage Impact Assessment was undertaken by Artefact in support of the original SSD application. The proposal has no additional impacts to non-indigenous heritage items. 	<ul style="list-style-type: none"> The Department is satisfied that the existing conditions of consent, including unexpected finds procedure continue to appropriately manage

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> Existing conditions require the Applicant to comply with mitigation measures outlined in the Construction Heritage Management Plan (CHMP) (Arcadis, 2018) prepared for MPE Stage 2. 	<p>the procedure for site works in the event of finds.</p> <ul style="list-style-type: none"> No additional conditions or amendments necessary.
Bushfire Hazards	<ul style="list-style-type: none"> The original SSD application assessed the potential bushfire threat posed by bushland to the south in the Boot Land which has a Bushfire Hazard Rating of high and Bushfire Threat of moderate – based upon the continued management of the 60m defendable space within the MPE Stage 2 Project Site and the 50m cleared area to the south of the MPE Stage 2 Project site boundary being maintained. The proposed extended southern footprint has potential impacts on bushfire risk. As such, the Department requested an updated bushfire assessment including drawings and plans for maintaining an APZ on the southern boundary of the site. A Bushfire Review was prepared by Arcadis to assess the potential impacts of the proposal on bushfire risk and determine whether it is consistent with the Bushfire Protection Assessment prepared by Arcadis submitted with the MPE Stage 2 SSD application. The review concludes that there remains adequate defendable space from the edge of the Boot Land to the nearest buildings (Warehouse 7 and 8). The Applicant identifies the location of OSD 2 within the Butchers Knife land as a long-term opportunity for the area to be maintained as defendable space as it will not be subject to regrowth or occupiable buildings. The Bushfire Review confirmed that the separation between the fixed assets and the bushfire prone vegetation exceeds the defendable space widths required by <i>Planning for Bushfire Protection 2006</i> (PBP 2006). Therefore, it is not anticipated that any additional mitigation measures are required. The Applicant stated that it will update the Operational Flora and Fauna Management Plan and Emergency Response Plan as necessary to reflect the proposal. 	<ul style="list-style-type: none"> The Department notes that existing conditions of consent (Condition B144) require the entire site to be managed as an inner protection area (IPA). The Department notes the Applicant has recognised this through the identification of OSD 2 as a long-term opportunity for the area to be maintained as defendable space. The Department is satisfied that the existing conditions continue to provide an appropriate response to bushfire protection.
Moorebank Avenue Realignment	<ul style="list-style-type: none"> TfNSW (RMS)'s submission sought confirmation on whether the proposed boundary extension would impact on the future Moorebank Avenue Realignment. In the RtS, the Applicant confirmed that the proposal would not impact on the future Moorebank Avenue Realignment and stated that the final design of the revised OSD 2 will be developed in accordance with the footprint of proposed realignment. 	<ul style="list-style-type: none"> No additional conditions or amendments necessary. This is a matter for future consideration by the Department as part of a future application.
Contamination	<ul style="list-style-type: none"> Concern was raised in public submissions about contamination, notably perfluorinated compounds (known as Per- and poly-fluoroalkyl substances, or PFAS) that could be disturbed by the extended footprint for OSD 2. The Applicant in its RtS confirmed that the Site Audit 	<ul style="list-style-type: none"> The Department is satisfied that the existing conditions continue to provide an appropriate response to contamination.

Issue	Findings	Recommended Condition
	<p>Report and the Site Audit Statement issued for the 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>	<ul style="list-style-type: none"> No additional conditions or amendments necessary.
<p>Amenity Impacts</p>	<ul style="list-style-type: none"> Public submissions raised concern about increased amenity impacts from the site such as traffic, noise and air quality impacts. The RtS confirmed that the proposed modifications do not seek any changes to traffic, movements, impacts or controls, or additional air quality and noise impacts beyond those already assessed and approved in the SSD application. 	<ul style="list-style-type: none"> The Department notes the proposal relates to the delivery of stormwater infrastructure and as such would not result in any additional amenity impacts beyond those assessed in the SSD application and managed and mitigated through the existing conditions. No additional conditions or amendments necessary.



7. Evaluation

Following a review of the proposed modification, the Department is satisfied that with the recommended conditions the proposed changes will be of minimal environmental impact and the project remains substantially the same development as per the original consents.

The Department concludes the following:

- the Department has assessed the application and followed relevant procedures in accordance with the EP&A Act and the Regulations
- the proposed modifications do not change the use of the site
- the proposal is in the public interest.

The Department's assessment concludes that the proposed modification is appropriate. This conclusion is based on the fact the proposal is substantially the same development as the original approval, the condition changes proposed do not change the use of the site, and the impacts are minor and subject of acceptable measures including the development of additional management procedures.

As such, the Department considers the proposed modification to be approvable with conditions.



8. Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report; and
- **determines** that the application (SSD-7628-Mod-2) falls within the scope of section 4.55(1A) of the EP&A Act, and the application (MP 10_0193 Mod 3) falls within the scope of former section 75W of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approvals to the applications;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consents SSD 7628 and MP 10_0193; and
- **signs** the attached approvals of the modifications (**Appendix C – Notice of Modification**)

Recommended by:

Nathan Heath
Planning Officer
Social and Infrastructure Assessments

Recommended by:

Karen Harragon
Director
Social and Infrastructure Assessments

31/1/2020



9. Determination

The recommendation is: **Adopted by:**

David Gainsford

Executive Director

Infrastructure Assessments



Appendices

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department’s website at:

1. Modification Request
<https://www.planningportal.nsw.gov.au/major-projects/project/14736>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/14736>
3. Applicant’s Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/14736>

Appendix B – Consolidated Consent

Appendix C – Notice of Modification