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RE: MOOREBANK INTERMODAL PRECINCT EAST STAGE 2 AND CONCEPT PLAN MODIFICATION 2

Overview

Over the past year, the NSW (Department) of Planning and Environment placed on public exhibition separate applications for the proposed Intermodal at Moorebank. The applications included:

- Moorebank Precinct East (MPE) Stage 2 – SSD 7628;
- MPE Concept Plan Modification – MP 10_0193 MOD 2;
- Moorebank Precinct West (MPW) Stage 2 – SSD 7709; and
- MPW Concept Plan Modification – SSD 5066 MOD 1.

Liverpool City Council made formal submissions to each application at the various stage of the assessment process. Council also provided supplementary comments and responded to multiple requests for further information from the Proponent and the Department's Assessment Team with regard to different aspects of the proposal.

The Department however has only submitted the MPE applications to the Commission for consideration, with the applications for MPW being withheld. It is Council's position that both sets of applications need to be considered together to determine the cumulative impacts of the overall development proposed for the Moorebank Intermodal (up to the combined Stage 2 development scenario, including the proposed modifications to the approved concept plans).

The Department, in its assessment and recommendations to the Commission, has been selective in providing a comprehensive picture of the overall development scenario. Along with the inconsistencies within the MPE applications currently under consideration, the determination for MPE cannot be made in isolation of MPW.

On this basis, Council requests the Commission defer its decision for SSD 7628 and MP 10_0193 MOD 2 until the Department's recommendation for the MPW applications, SSD 7709 and SSD 5066 MOD 1, are brought forward and scrutinised.

MPE Concept Plan Modification – MP 10_0193 MOD 2

The modification application seeks approval for:

- An increase of the MPE site area and amendment to the site boundary to include works on Moorebank Avenue and drainage works to the south and east of the site;
- Upgrade works to Moorebank Avenue, including widening to four lanes, from the northern to southern extent of the site;
- A diversion road and interim access to the MPE site area along Moorebank Avenue during the upgrade works;
- Provision of interim site access for warehousing from Moorebank Avenue;
- Reconfiguration of internal road layouts and use of all internal roads by both light and heavy vehicles;
- Importation of approximately 600,000m² of clean fill for bulk earthworks within the site and part of Moorebank Avenue;
- Revised warehousing and freight village locations and layouts;
- Revision of the proposed staging of the project; and
- Subdivision of the site following development.

Key Issues

The MPE MOD 2 (and the application for MPE Stage 2) needs to be considered against what is proposed for MPW. The two are effectively a single development. Deferring the applications for MPW and determining MPE in isolation does not satisfactorily address the cumulative impacts of the Intermodal development for the reasons outlined in the following.

1. To highlight the importance of understanding the cumulative scenario, it is noted the assessment report for MPE uses the argument that the MPW development will shield the MPE development and therefore not cause visual impacts for the Casula residential area (west of the site).
 - The assessment is flawed as it does not consider the cumulative visual impacts of the Intermodal precinct which would include the assessment of MPW development.
2. The cumulative impacts of traffic are not adequately addressed. Mitigation of construction traffic impact is proposed through diversion on the MPW site, again without a clear understanding of the mitigation measures proposed for the MPW applications.
3. The only improvements to the local transport network as part of the concept plan is the upgrade of Moorebank Avenue from the northern to the southern extent of the site.

- Notwithstanding the additional upgrades detailed in the MPE Stage 2 recommended conditions, due to the disruption that will be caused by the development to the regional transport network, this is deemed insufficient.
4. The revised road layout that proposes perimeter roads on the site as the primary route for the circulation of heavy vehicle across the precinct will significantly impact adjacent residential areas of Casula and Wattle Grove.
 - The routing of heavy vehicles on the site perimeter together with the 24-hour operation of the site will result in excessive light spill, noise, vibration, as well as poor air quality for the community at Wattle Grove (but also Casula for MPW proposal) and the habitat within the adjoining Boot Land.
 - These issues have not been satisfactorily discussed in Department's assessment report and should not be deferred to FEARs to address as they are a matter of primary strategic importance for the proposed use of the land.
 5. The stormwater assessment for MPE requires drainage to be addressed in a holistic manner. The cumulative impact of MPE and MPW on local drainage will be significant and should be dealt with at the concept plan stage rather than as part of later DAs.
 - It is noted that the MPW Stage 2 proposed three (3) large detention basins on its western boundary, adjacent to the Georges River, whereby a large portion of the stormwater runoff for MPE would filter through.
 - The potential impact of this approach to stormwater management on the Georges River is unacceptable. The same is reflected in the Department's peer review undertaken by Alluvium.
 6. The contamination risks and mitigation measures associated with the importation of this amount of fill has not been satisfactorily addressed. There are no clear measures for quality control (documenting/ testing at source and destination).
 7. There is no clear justification from the Proponent as to why out of hours construction work is required. Construction hours should be limited to standard hours to reduce noise and light impacts.
 8. Baseline assessments for noise, air quality and biodiversity have not been fully considered.
 - The Department's assessment has been neglectful in this regard, and especially when the consideration for MPW is being withheld. Therefore, the full set of considerations for the overall development are not transparent.

9. The uses in the freight village must be associated with the Intermodal so as to not induce additional unnecessary traffic and noise however there are no proposed controls for this in the Department's assessment.
10. Due to the number of concurrent applications, public consultation has been significantly hindered with regard to the assessment of the intermodal development.
 - This is especially the case when considering the resources required and the limited timeframe given to provide comments on each application to the Department, and also responding to the Proponent's provisioning of supplementary information and responses after the consultation process.

MPE Stage 2 Application – SSD 7628

The application seeks approval for:

- 300,000m² GFA of warehouse use;
- 8,000m² GFA freight village;
- Establishment of internal roads, connection to the surrounding road network/site access;
- Raising the level, and upgrading of, Moorebank Avenue, upgrade of Moorebank Avenue intersections and temporary diversion road;
- Ancillary works including stormwater/flooding drainage infrastructure, utilities, vegetation clearing, landscaping, earthworks, remediation, and signage; and
- Subdivision of the MPE site.

Key issues

1. MPE Stage 2 needs to be assessed against the Concept Plan MOD 2, yet MOD 2 is also to be determined. The assessment of Stage 2 should be delayed until such time the Concept Plan Modification 2 has been determined.
 - To prove this point, MOD 2 recommends that the proposed 'interim' site access is not included in the Concept Approval, yet the Stage 2 assessment considers it appropriate.
2. Local transport network upgrades as necessitated by the development must be considered as part of the overall proposal which include developments for MPE as well as MPW.
3. The traffic impacts associated with the Moorebank Avenue upgrade are proposed to be mitigated by a diversion road through the MPW site, but as stated earlier, the MPW construction traffic impacts are yet to be determined.
4. The entire Moorebank Avenue diversion road should be constructed as one and used for the entirety of the upgrade to avoid uncertainty for users of the road.

5. Considering the regional significance of heavy traffic volumes associated with Moorebank Avenue, the road should be dedicated to the RMS rather than Council.
 - Furthermore, the entire length of the road should be dedicated as a public road, not 'temporary public road' as noted for the section south of Anzac Road.
 - Council has had no input into the design of the upgrade, which further suggests Council should not be responsible for its maintenance.
6. Excluding the cost of the upgrade of Moorebank Avenue for contributions calculations can only be justified should the road not be deemed a 'temporary' public road.
7. When the relevant S94 Plan was created, the Intermodal development was not incorporated. Considering its scale and the significance of associated impacts, this avenue of developer contribution is deemed insufficient.
 - The appropriate method of funding for local infrastructure is through a VPA.
 - As a case in point, the necessary information has not been provided to Council to properly review the traffic impacts to the local road network.
 - Therefore, Council has not been able to assess the appropriate amount of developer contributions.
8. The stormwater system requires flows to pass through the MPW site, but MPW stormwater impacts are yet to be determined.
9. Whilst the need for subdivision may be justified, the Intermodal as a whole should still function cohesively as a single entity.
10. The public exhibition period for submissions was deemed insufficient for adequate consultation. The restricted timeframe is inadequate for review of documents as required by the conditions of consent.
 - It is noted the Proponent provided additional materials to the Department subsequent to the public consultation which was not open to public scrutiny.
11. The Community Consultative Committee should be established prior to construction to ensure proper engagement, especially, but not limited to, the establishment of the Community Communication Strategy
12. The environmental representative should be nominated by the Secretary, and not the Proponent, to ensure no conflict of interest exists.

General Comments and Recommendations

Traffic Impacts

Council has significant concerns about the traffic impacts of the development both regionally and cumulatively. The Proponent has not provided traffic data to Council. The road widening is only proposed along the frontage on the site, whilst the impacts on the broader network are not accounted for.

The assessment for both MPE and MPW has not addressed the issue of weaving on the M5 Motorway, especially between Moorebank Avenue and Hume Highway. Whilst the Proponent's assessment has considered intersection upgrades on Moorebank Avenue, the assessment lacks analysis of the local /regional impacts of the proposed development, for example on Governor Macquarie Drive and Nuwarra Road.

The entire length of Moorebank Avenue should be classified as a State road. There was no consultation with regard to the dedication of the road to Council, and Council is not be receptive to such a dedication.

The combined importation of fill for MPE and MPW is significant, equalling 2.2 million cubic metres. The cumulative impacts of the combined fill requires a comprehensive assessment.

The MPE MOD 2 am Stage 2 applications should not be approved until such a time when the following issues are addressed to the community's satisfaction (see addendum).

Design Layout

The perimeter circulation of vehicular traffic is problematic as it is closest to the established residential communities. The proposed road layout on the perimeter is a poor design for industrial development and will result excessive light spill, noise and vibration.

Council does not support the proposed approach and requires conditions be imposed on the development to turn the warehousing internally on the site with the primary circulation of vehicles being contained at the centre of the site, and not on its perimeter.

Biodiversity Offsets

Council has reviewed each EIS lodged by the Proponent as part of its submission. The reviews have identified inconsistencies between biodiversity reports, and have also raised serious concerns with the separate assessment of the two sites (MPE and MPW).

By assessing each project in isolation, biodiversity (and other) assessments have failed to fully consider the cumulative impacts of the proposal. Adding to this concern is that the biodiversity offset process has changed since the original assessment completed as part of the concept proposals, and there remains a concerns that offset values have not been calculated correctly.

The issues and concerns raised in each review have been lodged with the Department as part of Council's submission to each application.

Stormwater Management

The overall strategy for stormwater management employed by the Proponent does not demonstrate current best practice, as outlined in the Department's own peer review undertaken by Alluvium. It also does not reflect Council plans and policies.

There needs to be greater on-site detention and bio retention of stormwater internally within the site, rather than the proposed basins on the site perimeter next to the waterways. Additionally, the scale and size of the detention basin and accompanying the retaining walls are not supported.

The internal staging of the development is reliant on disposal of approximately 50% of MPE site runoff on construction of OSDs and drainage channel through MPW Stage 2.

The staged warehouse development and associated infrastructure is understood to be dependent on market demand, but there is no indication of OSD requirements for individual warehouses demonstrating consistency with an overarching strategy for bio retention, filtration, and discharge.

The completion of stormwater infrastructure on the MPW Stage 2 earthworks are proposed at a future stage lack the requisite information to make an informed decision.

Specific requirements for post-approvals documentation, including information to be shown in stormwater drainage detailed design drawings and accompanying documentation, technical standards to be met are a consideration, however Council does not want involvement in reviewing post-approvals documentation if the above management strategy is approved.

Matters for consideration for design and performance criteria should include:

- Percentage rainfall capture and reuse.
- Percentage pervious surface for infiltration/ bio retention.
- Allowance for blockages/ events exceeding design criteria.
- Peak discharge rates to Georges River and Anzac Creek.
- Environmental flows to Anzac Creek.
- Water quality targets.
- Location and form of bio retention systems (e.g. upstream of OSDs) and other stormwater improvement devices (e.g. GPTs).
- Location and form of above ground drainage (e.g. drainage swales, grassed flood storage, rather than concrete channels).
- Location and form of OSD (e.g. buffer to 1% AEP Georges River flood extent, above ground/ below ground, OSD for individual warehouses).
- Design of OSD (e.g. basins with sloping sides [maintenance/ safety], integration with landform to minimise visual impact).

- Location and form of discharge points from site (weirs, sympathetic bank stability methods/ scour protection).

Council recommends the Proponent be required to consolidate the proposed three (3) outlets into one single outlet to The Georges River. The basin should be designed as cascading basins with one outlet.

Council does not support the proposed detention basins on the perimeter of the MPW site that require 3m high walls to contain the detention storage volume required to manage stormwater for MPE and MPW.

The proposed basins are located within the 1 in 100 year flood. Council recommends the Proponent be required to relocate the OSD storage further into the subject site, and within a 'flood free' area.

The proposal lacks an implementation plan and has no regard to water quality treatment measures to be adopted with the development site for both MPE and MPW.

A stormwater management strategy report including hydraulic calculations and modelling is required for further assessment of the development. Council recommends this be undertaken in consultation with relevant public authorities, but that the assessment also be subject to an independent peer review prior to determination.

Specific requirements should be imposed for ongoing independent auditing of stormwater infrastructure to ensure it is maintained/ improved to meet design criteria/ objectives.

Air Quality

The implementation of a comprehensive air quality monitoring, including fixing a baseline for combined MPE and MPW, during the construction and operational phases of the development will assist in measuring air quality trends and compliance rates during these periods.

Council supports comprehensive monitoring initiatives during the construction and operational phases of the proposed development to facilitate adherence with any approval, Environment Protection Licences and encourage environmental best practice.

Noise and Vibration

During an earlier review of the applications, inconsistencies were noted in the Review of Noise and Vibration Impacts which indicated that construction noise levels at Wattle Grove, Wattle Grove North and Casula would exceed the noise management level during the out-of-hours period.

The Proponent subsequently stated that construction noise levels in these areas were not predicted to exceed applicable NML at sensitive receivers during the stated periods. Within the response to submissions document, the Proponent confirmed that the Noise and Vibration Assessment were incorrect.

Due to the complexity of the development, Council recommends that noise monitoring and annual reporting be undertaken during the construction and operational phases of the combined project (MPE and MPW) and continue for the life of the development.

It is clear that the construction and operation of the facility demands joint regulation by the Department and NSW EPA. Council seeks reassurance that the proposed environmental monitoring program will account for the changes proposed not only by MOD 2 and MPE Stage 2, but also for MPW.

Regulation and Compliance

There is concern that the Secretary has the power to delegate certain responsibilities to Council. It is also noted that the NSW Environment Protection Authority (EPA) is reluctant to regulate non-scheduled construction and operational activities at the site.

Council has consistently raised concerns regarding its inability to regulate the proposed 24 hour operation. Any conditions issued should reflect the Department's responsibilities for assessing and enforcing compliance with the planning approvals.

It is envisaged that the Department will have primary responsibility for assessing and enforcing compliance with conditions of consent in relation to environmental emissions (i.e. noise, air, water, land) during the construction and operational phases of the project. However, the Department's long-term role in the regulation of the facility has not been clearly defined. The baseline monitoring has to be transparent and reflect the combined MPE and MPW development.

Council believes that the Department is equipped with appropriate skills, knowledge and enforcement powers to jointly regulate all aspects of the proposed development with the NSW EPA during construction and operation. A united regulatory response between the Department and NSW EPA would alleviate Council's role in regulating the remaining unscheduled activities.

Contributions

Discussions between Council and the Proponent regarding contributions have not been agreed to. The Proponent submitted a high level quantity survey. The QS requires to be peer reviewed to ensure it is accurate and reflects the proposed development.

The proposed local infrastructure contribution of 1% is not supported. Council considers greater contributions are required to account for the uncertainties and unknowns that relate to the outcome of the project, especially given a large amount of data has not been provided to Council for analysis. Additionally, no portion of the contribution amount should be offset by the Proponent.

Council's preference is for the Proponent to commit to enter into a Voluntary Planning Agreement prior to determination of the application.

Should you have any questions regarding the comments provided, please contact me on 9821 9285.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ash Chand', with a stylized flourish at the end.

Ash Chand
Executive Planner

Addendum Traffic and Transport Comments – Submission for Moorebank Precinct East Stage 2 (SSD 7628) and MPE Concept Plan Modification (MP 10_0193 MOD 2)

The proposed MPE Stage 2 (SSD 7628) application should not be approved until such a time when the following issues are addressed to Council's satisfaction:

1. Council, the RMS and local community are concerned that the proposed developments will have significant traffic impact on the surrounding congested road network particularly sections of M5, Hume Highway, Moorebank Avenue, Newbridge Rd, Anzac Road and Governor Macquarie Drive, close to the development site.

The Operational Traffic and Transport Impact Assessment for Moorebank Precinct East – Stage 2 Proposal indicates that a number of intersections, including the following, are currently operating close to or at their capacity and improvements are required.

- M5 Motorway/Hume Highway intersection
- Moorebank Avenue/Newbridge Rd intersection
- Moorebank Avenue/Heathcote Road intersection
- M5 Motorway/Heathcote Road intersection

The proposed Stage 2 development will exacerbate congestions at the above intersections and further deteriorate intersection performance and bring forward the need for intersection improvements.

However, there are no any commitments from the proponent to provide any improvement or mitigation works to increase capacity of congested road network to accommodate the proposed development.

2. Table 4-3 of the Operational Traffic and Transport Impact Assessment indicates that the following ten intersections including accesses to the subject site will operate at unacceptable Level of Services (i.e. LoS) (by 2029) during peak hours:

- Moorebank Avenue/Anzac Road intersection
- M5 Motorway/Moorebank Avenue intersection
- M5 Motorway/Hume Highway intersection
- Moorebank Avenue/Newbridge Rd intersection
- Moorebank Avenue/Heathcote Road intersection
- M5 Motorway/Heathcote Road intersection
- Cambridge Avenue/Glenfield Road
- Cambridge Avenue/Canterbury Road
- Moorebank Avenue/DJLU Access
- Moorebank Avenue/MPE Stage 2 Access

There are no improvement work nominated for delivery as part of this development application.

3. The report has not adequately address weaving issue on the M5 Motorway. No any improvement options or funding arrangement has been included in the report to address the weaving issue. HCM 2010 is to be used to analyse and measure Level of Service (LoS) of the weaving issue on a motorway.

As a high percentage of the traffic expected to be generated from the subject site are heavy vehicles, the impact on road safety including severity of crashes could be significant.

Safety assessment including identification of potential risk of increasing probability, how heavy vehicles can safely merge into traffic flow on the motorway, and severity of crashes, should be carried out by a qualified road safety auditor and agreed to with the RMS.

4. The proponent has not submitted electronic copy of Sidra traffic models to Council and RMS for review. It is a common practice for RMS/Council to request and review electronic copies of Sidra models to ensure that they are adequate for the impact assessment.
5. The table 6-1 of the report lists a number of assumed network upgrades to improve the network to an acceptable Level of Service. The report states that the assumed network upgrades are not part of the development proposal.

Geometric design and traffic models of the assumed network upgrades are to be submitted to RMS/Council for review, which demonstrate that the proposed upgrades will effectively improve network performance and can be constructed.

Council require any agreed upgraded works to be included as part of development consent conditions.

6. Anzac Road is a local road which carries approximately 1,210 vehicles and 1,030 vehicles per hour during AM and PM peak hours respectively. The existing traffic volume on Anzac Road has already exceeded its road capacity.

The existing 5 Tonne load is to be maintained. An assessment is required on additional traffic impacts on residential amenity of the local area. It is noted no improvement or mitigation works is proposed along Anzac Road in the report.

7. The traffic generation rates used in the traffic impact assessment, are inconsistent with generation rates specified in the RMS *Guide to Traffic Generating Developments*. The proponent has not provided justification of this inconsistency.

The subject site will be subdivided into 8 warehouses. Each individual warehouse will have its operating independently. Council is concerned the traffic generation could be higher than estimated. For example, the proposed stage 2 development (i.e. 300,000 sqm of warehousing use and 8,000 freight village) could generate 1,550 vehicles per hour, which will have significant impact on the surrounding road network.

8. Funding of the required Road Improvements - Council does not support the use Section 94 Contributions as a funding mechanism for developer contributions towards traffic improvements. Council's preference is to enter into a Voluntary Planning Agreement (VPA) prior to determination of the application. This is because of the following
 - Traffic impacts and required improvements as a result of the proposed development are not part of Council current Section 94 Contributions Plan for the area. It will require

a review and update of the Plan to include the required contributions for the proposed developments and determine appropriate contribution rates.

- Most of required infrastructure upgrades are on the state road network, which would require RMS approval/involvement for the required upgrades.
- Special Infrastructure Levy is currently not applicable to Moorebank Avenue Precinct. Hence, the development should not be approved until such time that a funding mechanism and delivery of the required improvement works are confirmed to Council's satisfaction.

9. It is noted that conditions (1.6 & 1.7 in MP10_0193) in the previous determinations to Moorebank Intermodal Terminal East (MP10_0193) and Moorebank Intermodal Terminal West - Concept Proposal & Stage 1 Early Works (SSD 5066) restrict any further TEUs to be approved until traffic monitoring and modelling of the operation of the facility demonstrate that traffic movements from the proposed increase in TEU will not exceed the capacity of the transport network.

As mentioned above, the section of the existing roads close to the subject site including Moorebank Avenue, Hume Highway and Newbridge Road, M5 Motorway, Cambridge Avenue and Anzac Road are operating close to capacity.

The proponent has not committed any improvement works to increase road network capacity.

10. Revised traffic impact assessment report and modelling of cumulative impacts of the overall Moorebank Intermodal developments with 1.55 million TEUs (both port-related and interstate terminals) and up to 850,000 square metres of warehousing, are yet to be submitted to Council.

As such, the proposed Stage 2 development application for the MPE cannot be supported.

Concept Plan Modification (MOD 2)

- It is noted that the proposed modifications to MPE and MPW will have a total of 2.2 million tonnes (600,000 tonnes for MPE and 1.6 million tonnes for MPW) cubic metres being imported to the site.
- The two modifications will generate approximately 2,520 heavy vehicles and 620 light vehicles per day respectively during construction period.
- Cumulative traffic impacts of construction works under modifications to both Moorebank Intermodal Precinct West and East should be assessed and submitted to Council for review and approval.
- A construction traffic management plan including cumulative impact of the various construction activities on the two terminals, haulage routes including delivery times, the number of heavy vehicles, traffic distribution and routes, and temporary work to minimise traffic impacts, is to be submitted to Council for review/approval prior to the release of Construction Certificate.

