



ACN: 146 035 707 ABN: 54 146 035 707
Suite 4, Level 7, 100 Walker Street
North Sydney NSW 2060
P: 02 9929 6974
enquiries@willowtreeplanning.com.au
www.willowtreeplanning.com.au

Karen Harragon
NSW Department of Planning, Industry & Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

RE: SECTION 4.55(2) MODIFICATION TO SSD 7709 – PROPOSED MOOREBANK INTERMODAL PRECINCT WEST – STAGE 2 – SSD 7709 MOD 1

PROPERTY AT: MOOREBANK AVENUE, MOOREBANK (LOT 1 DP 1197707)

Dear Karen,

Reference is made in relation to the subject State Significant Development (SSD) Application – **SSD 7709** – that was approved by the Independent Planning Commission on 11 November 2019 for Moorebank Precinct West Stage 2 at the Subject Site – Moorebank Avenue, Moorebank (Lot 1 DP 1197707).

Following a review of the NSW Department of Planning, Industry and Environment's (DPIE's) request for the Response to Submissions (RTS), dated 7 September 2020, the matters raised have been taken into consideration and are accurately addressed in the response matrix that is attached this letter. Clause 82 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), permits the Planning Secretary of the NSW DPIE to request the Applicant to provide a written response in relation to the issues raised within the submissions following public exhibition. This RTS aims to fulfil the request from the Director-General.

Additionally, as a result of the RTS, the Submissions have been considered and revisions to the design have been made which have resulted in an improved design that addresses the following key concerns:

- **Design:** Several design changes have been incorporated into the revised Architectural Plans following receipt of the Submissions, which have been undertaken in an attempt to reduce potential impacts; improve amenity on adjoining receivers; and improve the overall functionality and efficiencies of the Site from an operational perspective. The relevant design changes are captured within **Appendix 12** of this Submission.
- **Visual Impacts:** The Visual Impact Assessment reports prepared by Roberts Day (2020) have assessed the potential overall cumulative visual impacts of the JR and JN warehouse as 'moderate / low' in Year 1 and 'low' in Year 10+. It is noted that the Proposal will be largely screened by proposed landscaping along the western boundary when viewed from residential receivers to the west in Casula (Year 10+) which is satisfactorily demonstrated within the Landscape Plans for the Site, as well as the Visual Impact Assessment (refer to **Appendix 5 & 6**).
- **Noise:** Further design refinements pertaining to the Proposal have been undertaken, which has resulted in no such change in the predicted noise levels for the nearest potentially affected receivers in Casula. The Noise and Vibration Impact Assessment (NVIA) prepared by Renzo Tonin has been revised with respect to the updated noise predictions based on the revised design (refer to **Appendix 7**). Additional predicted noise levels for Glenfield Farm and for the residential receivers in

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Glenfield have been added to address the respective submission comments, all of which achieve a satisfactory standard with respect to the relevant noise emission criteria for the Proposal and across the Site.

- **Dangerous Goods:** In accordance with the peer review of the PHA prepared by RiskCon Engineering (2020), they note that the analysis undertaken demonstrates that minor incidents relating to retail goods would not result in offsite impacts. Accordingly, based on the analysis conducted, RiskCon conclude that the risks at the Site boundary are not considered to exceed the acceptable risk criteria; hence, the proposed Warehouse and Distribution Facilities would only be classified as potentially hazardous and would be permitted within the IN1 General Industrial zone for the Site (refer to **Appendix 8**).

Furthermore, review of the Public Submissions for both **SSD 5066 MOD 2** and **SSD 7709 MOD 1** have been collated and assorted into key issues depending on the frequency of the issue raised. It is noted that the Public Submissions were almost identical with respect to both Modification Applications, for which one consolidated matrix has been prepared and utilised for the purposes of this Response to Submissions (refer to **Appendix 11**).

It is considered, that this information now provides the NSW DPIE with all the necessary facts and relevant particulars related to the proposed modifications subject to this Modification Application (**SSD 7709 MOD 1**); thereby, enabling the assessment to be finalised and the Proposal determined.

We look forward to the NSW DPIE's feedback on the information provided and look forward to progressing with the assessment of this Modification Application.

Should you wish to discuss further, please contact the undersigned.

Yours Faithfully,



Chris Wilson
Managing Director
Willowtree Planning Pty Ltd
ACN 146 035 707

Enclosed:

- **Appendix 1 – Revised Moorebank Precinct West Concept Plan**
- **Appendix 2 – Woolworths Warehouses Masterplan**
- **Appendix 3 – Architectural Plans JN**
- **Appendix 4 – Architectural Plans JR**
- **Appendix 5 – Visual Impact Assessment JN**
- **Appendix 6 – Visual Impact Assessment JR**
- **Appendix 7 – Noise and Vibration Impact Assessment**
- **Appendix 8 – Dangerous Goods Peer Review**
- **Appendix 9 – Socio-Economic Assessment**
- **Appendix 10 – Woolworths Strategic Justification Letter**
- **Appendix 11 – Response to Public Submissions**
- **Appendix 12 – Summary of Design Changes**

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 1: Response Matrix	
Relevant Entities Response to Submissions	Formalised Response
NSW Department of Planning, Industry and Environment (Karen Harragon – Director – Social and Infrastructure Assessments)	
Building Height and Visual Impact	
<p><i>The proposed increase in building heights for warehouses 5 and 6 is a key concern raised during the exhibition of the modifications, which the Department requests you address. Additional information required to address these concerns should include, but not be limited to:</i></p> <ul style="list-style-type: none">▪ <i>Further justification of the proposed 45 m heights and subsequent non-compliance with the Liverpool LEP;</i>	<p>In response to the submission raised by the NSW DPIE, the height of the highbay component proposed for the JR warehouse has been reduced (from 42.6 m to 39.4 m) to a more appropriate level consistent with the surrounding industrial character articulated within the Moorebank Logistics Park (MPE & MPW), as well as other surrounding industrial developments to the north of the Site.</p> <p>Whilst a Clause 4.6 Variation request is not formally required as part of a Modification Application, Willottree Planning prepared the <i>Clause 4.6 Variation – Height of Buildings (Clause 4.3)</i> document, which includes significant justification with respect to the proposed 45 m height limit with respect to the future built form pertaining to Warehouses 5 (JR – 39.4 m) and 6 (JN – 43.25 m).</p> <p>As mentioned within the Clause 4.6 Variation, if the proposed modifications were to support the built form proposed with regard to a compliant scheme in accordance with the Development Standard of LLEP2008, the built form potential of the Site would be significantly under-realised. Hypothetically, if a height compliant scheme for a future proposal was submitted, it would:</p> <ul style="list-style-type: none">▪ Not contribute towards meeting the demand for employment-generating opportunities within the Liverpool Local Government Area (LGA), as identified within <i>A Metropolis of Three Cities</i> and the <i>Western City District Plan</i>, by potentially resulting in a reduction in available building footprint and consequently prohibiting future industrial-related land uses on the Site, that supports the growth of the Moorebank Logistics Park, specifically MPW, zoned IN1 General Industrial;▪ Threaten the commercial viability of the Subject Site for future built form, by reducing the overall achievable maximum height across the Site, which would impact on end

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

user operational requirements on a land portion zoned for such industrial-related development;

- Not be able to achieve a height, that is being driven due to securing economic employment lands for a secured end user (Woolworths);
- Create fewer full-time equivalent jobs during the construction and operational (including maintenance) phases of development due to a decrease in footprint and potential disinterest in the Site due to preferred end user ceiling heights not being able to be achieved in an emerging industrial market demand gearing towards new and increased warehousing height thresholds that allow for increased operational capabilities; and
- Fail to meet the Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act) by making orderly and economic use of the Site for its full planning potential.

Additionally, consistency and added justification with respect to the objectives pertaining to both the IN1 General Industrial zone and Clause 4.3 of the LLEP2008 were provided within the Clause 4.6 Variation, which are considered satisfactory and significantly justify the height non-compliance proposed under this Modification Application.

Accordingly, the overall scale of the proposed modifications sought are to provide a transition for existing and future built form anticipated for Moorebank Precinct West (MPW), from existing industrial developments along the eastern (Moorebank Precinct East (MPE)) and northern interfaces, comprising developments of similar industrial nature, which are considered compatible in terms of built form and scale and reflects the intended industrial characteristics envisaged for the Site. Additionally, the topography of the Subject Site is considered ideal for future development, for which SSD 7709 has previously responded to, by establishing the building pads suitable for any future built form proposed, as well as being suitably located away from nearby sensitive receivers to the west of the Site, primarily identified in Casula – which experience a significant increase in gradient away from the Site emphasising the distance experienced between the Site when viewed from ground level (eye-level view).

The design philosophy for the built form proposed under this Modification Application strives to

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

integrate all elements of function and space, to achieve an efficient and comfortable working environment, capable of adapting to the future requirements of the end user (Woolworths) involved. The overall site layout addresses both the functionality of future warehousing and logistics operations and the high quality presentation to the wider Moorebank Logistics Park for future built form proposed, whilst being cognisant of amenity pertaining to surrounding receivers. It is noted, that future high bay components would be located on the eastern (JR) and south eastern (JN) sides of (Warehouses 5 & 6), maximising the setbacks able to be achieved from the Western Ring Road and further maximising the floor space able to be achieved across the remainder of the Site. Additional emphasis is placed on the siting of the high bay components which have been strategically located to the rear of the Site to allow for a reduced visual impact on potentially impacted visual receptors identified to the west of the Site. This is particularly evident within the photomontages for the Site located within the revised Visual Impact Assessment (refer to **Appendix 5 & 6**).

The height and scale adjustments explored under this Modification Application (including revisions made as a product of the Response to Submissions phase of the Proposal) are considered to be uniform and representative of the facilities within the wider Moorebank Logistics Park (both MPE & MPW), as well as other industrial-related development to the north of the Subject Site. The heights proposed are considered consistent with market trends and operational requirements within the NSW Industrial (including freight and logistics) Sector, whilst being consistent and transitional with industrial development adjoining the Subject Site and within close proximity to the Subject Site, throughout Moorebank, as well as industrial-development further west located within the Prestons Industrial Employment Precinct which comprise heights of similar nature and stature.

Increased heights allow for flexibility for future end users and high volumes of storage; thereby, improving the operational efficiencies able to be achieved on-site. Furthermore, highbay warehousing within the logistics industry is increasing in popularity due to the cost efficiencies it provides. In a continually evolving and growing environment like Sydney (particularly the Western Sydney Region), where land values are at a significant premium to other states, it becomes an essential part of the business case to continue operations in NSW. Additionally, Woolworths would like to continue their presence within NSW and remain

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

significant employees to the wider community, for which the Subject Site will enable them to retain and develop key staff and grown employment within the Liverpool LGA.

The height and scale for future built form is further articulated within the photomontages found within the Visual Impact Assessment prepared by Roberts Day (2020). The revised Visual Impact Assessment is located within **Appendix 5 & 6** of this Submission.

As mentioned in the Clause 4.6 Variation and as a result of the built form proposed, the Subject Site would be visually treated and suitably screened by both existing and proposed extensive landscaping along the western boundary traversing the Georges River tributary, along with dispersed landscape planting proposed on the Subject Site, throughout the designated landscape setbacks and throughout the proposed car parking and hardstand areas, which further ameliorates the potential impacts with respect to the Urban Heat Island Effect. This landscaping strategy is considered consistent with the approved landscaping strategy outlined within the Urban Design Development Report (UDDR) recently approved by the NSW DPIE, designed to suitably and visually treat development proposed within MPW.

The revised Visual Impact Assessment prepared by Roberts Day (2020) assesses the overall visual impact of the JR warehouse as low. It is noted that the Proposal (both JR and JN) will be largely screened by the proposed landscaping along the western boundary when viewed from Casula (year 10+) which is satisfactorily demonstrated within the landscape strategy for the Site within the revised Concept Plan (refer to **Appendix 1**).

Additionally, although the highbay component proposed in JN warehouse is above the surrounding context, it doesn't impose any adverse visual impacts on the surrounding visual receivers (including residential receivers to the west of the Site) due to:

- Consistency with the industrial character of the area, representing an orderly and sequential development.
- Presence of other landscape detractors higher than the 21m height limit (including utility poles and railhead gantry cranes).
- Generous buffer between the highbay components and surrounding publicly accessible

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

areas / private residential views (in average the views are ~1 km away from the highway component, which reduces the perception of height and scale).

- Due to extensive distance and topography of the Site in accordance with residential receivers to the west (including viewpoints 4, 11, 12 and 13), the overall visual impacts are significantly mitigated by being in line and below the skyline, for which existing 'scenic' and 'skyline' views on these receptors are not compromised.
- Existing dense vegetation (including regional park and creek corridor) plus proposed landscaping which further screens the Proposal.

The proposed maximum building height for built form proposed across selected portions of the Site (Warehouses 5 & 6) is considered consistent with the future end user (Woolworths) requirements for modernised industrial warehousing, encapsulating a highly cost beneficial and operationally efficient outcome. The combination experienced concerning both market and tenant demand has significantly increased due to the lack of industrial land release and exponential growth with regard to land value, which requires end users to reach new attainable development standards, via means of verticality to secure a supportable and appropriate planning and development outcomes. Accordingly, the Proposal is considered to be of an appropriate scale and character, having regard to the desired outcome for the locality, for which the Subject Site is centralised within the MPW site, whereby the future built form of the wider MPW site would provide for a softer and improved transitional development, whilst not posing any adverse visual impacts on nearby sensitive visual receivers.

The urban design approach for the Site has evolved in a considerate relationship to adjoining low density residential typologies adjoining Georges River to the west, as well as low density residential typologies adjoining Moorebank Precinct East toward the east of the Subject Site (Moorebank Precinct West). This is to ensure that these receiver's current and future amenity would not be compromised by any future built form across the Site.

To provide further justification in relation to the Site and the proposed modifications, a Strategic Justification Letter has been prepared by Woolworths that satisfactorily addresses the requirement for the proposed increased heights across the Subject Site (refer to **Appendix 10**).

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
 Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

<ul style="list-style-type: none"> ▪ <i>Additional evidence to demonstrate that current approved warehouses height of up to 21 m would not be commercially viable (i.e. that the proposed height increase is required to ensure that the site is viable for future commercial operation);</i> 	<p>As noted above, a Strategic Justification Letter has been prepared by Woolworths that satisfactorily addresses the requirement for the proposed increased heights across the Subject Site (refer to Appendix 10).</p>
<ul style="list-style-type: none"> ▪ <i>Address concerns that many of the perspectives included within the visual impact analysis that form part of the Mod are often shielded by development or trees, and provide additional perspectives from the Casula Powerhouse and Arts Centre, the Casula Parklands, and an additional visual receptor from Casula Road/Canberra Avenue, as requested by Council; and</i> 	<p>Additional viewpoints have been prepared and assessed in the revised Visual Impact Assessment reports prepared by Roberts Day (refer to Appendix 5 & 6), including:</p> <ul style="list-style-type: none"> ▪ Casula Arts Centre; ▪ Casula Parklands; and ▪ Casula Road / Canberra Avenue. <p>As a result of the additional perspectives identified, it is apparent that the built form proposed under the subject Modification Application (SSD 7709 MOD 1) would be generally screened by existing landscaping in the surrounding locality, for which adds significant emphasis to the small minority of actual potential impacts that this Proposal would have on the surrounding residential environment.</p>
<ul style="list-style-type: none"> ▪ <i>Address concerns regarding a lack of visual impact analysis undertaken from private properties at Casula including consideration of each of the visual impact perspectives provided as part of the original application.</i> 	<p>Additional viewpoints have been prepared and assessed in the revised Visual Impact Assessment reports prepared by Roberts Day (2020), which demonstrate the potential visual impacts on the surrounding private properties (refer to Appendix 5 & 6). The photographs have been taken from driveways and along the properties' boundaries / back fencing to represent the private views typically experienced in these locations.</p> <p>As a result of the investigative studies undertaken, the revised VIA confirms that the existing dense vegetation will screen the Proposal in the majority of private views. The potential visual impacts experienced throughout residential properties along Carroll Park are mitigated by proposed landscaping along the western boundary of the Subject Site. In addition, most potentially visually impacted views are wide and panoramic, for which the Proposal is perceived as a relatively minor additional element within the overall scene and visual environment, for which 'scenic' and 'skyline' views are not compromised.</p>
<p>Noise</p>	
<p><i>Significant concerns have been raised regarding the proposed amendments to the operational noise criteria stipulated in Table 4 of condition B131 of SSD-7709. The Department requires you to address these concerns, including but not limited to:</i></p> <ul style="list-style-type: none"> ▪ <i>Impacts of increased noise levels on nearby residential</i> 	<p>The recommended operational noise limits in the ONM document (TJ741-11F05 (r4) Moorebank Noise Management Precinct - Requirements review) are consistent with the NSW EPA's Industrial Noise Policy (superseded) and Noise Policy for Industry (NPI), as detailed in the document and stated in the conclusion (Section 6).</p> <p>In the introduction of the NPI, it states, "It is vital that development of industry in NSW is</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

<p><i>amenity, including increased disturbance;</i></p>	<p>properly managed to ensure the ongoing viability of industrial activities and an adequate protection of community wellbeing and amenity". In order to achieve this, the NPfI sets out noise trigger levels which are seen as an acceptable level of noise impact in order to achieve this aim of protecting residential amenity. The EPA Noise Policy for Industry states, "The project intrusiveness noise level aims to protect against significant changes in noise levels, whilst the project amenity noise level seeks to protect against cumulative noise impacts from industry and maintain amenity for particular land uses." Accordingly, the recommended operational noise limits are based upon project intrusiveness noise levels, as they have been selected out of the more stringent of the project intrusiveness and amenity noise levels. Considering the conversion of the amenity whole of period noise level to a 15-minute noise level, being LAeq period + 3dB(A) as detailed in Section 2.2 of the NPfI, all the recommended operational noise levels are equivalent to or less than either the NPfI intrusiveness criteria or amenity criteria. The recommended sleep disturbance levels outlined within the ONM are considered to be in line with the minimum sleep disturbance values presented in Section 2.5 of the NPfI.</p> <p>Further design refinements pertaining to the proposal have also been undertaken, which has resulted in no change in the predicted noise levels for the nearest potentially affected receivers in Casula. The proposal Noise and Vibration Impact Assessment (NVIA) has been revised with the updated noise predictions. Additional predicted noise levels for Glenfield Farm and for the residential receivers in Glenfield have been added to address submission comments, all of which achieve the proposal criteria.</p> <p>Additionally, a transcription error was identified in Table 5.8 of the NVIA where the results were swapped for receiver locations R2 and R3. This has been corrected in the updated NVIA. There was no noise outcome change as a result of this error.</p> <p>As such, any increased noise emissions from the Moorebank Intermodal Terminal are expected to achieve the noise emission goals set by the NSW EPA's NPfI as acceptable, and as such are unlikely to result in increased disturbance to nearby noise sensitive receivers.</p>
<p>▪ <i>Concerns that noise survey readings have not been undertaken at the most affected point on or within relevant property boundaries, and may not have taken into consideration the elevated nature of some private dwellings in Casula, which sit above street level. Council has advised that they have received offers from residents in Casula to allow the testing of noise levels within their properties;</i></p>	<p>The noise survey's that were included in the "Moorebank Intermodal Terminal Precinct - Operational noise management" review for establishing background noise levels were based upon the noise surveys presented in the MPW (SSD 5066) and MPE (SSD 6766) EIS documentation. The locations are detailed in Table 4-1 of "SIMTA Noise Assessment – Concept Plan" (Report No. 12186-C, Version C, Wilkinson Murray, 2 August 2013) for MPE logging data and Table 4 of Moorebank Intermodal Terminal EIS- Noise and Vibration Impact Assessment (Report No. 620.10816, 1 October 2014, Revision 1, SLR) for MPW logging data. This</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

monitoring data and the criteria derived from it has been included in the reports that have been reviewed as part of the project applications by NSW Department of Planning and Environment (DPIE), NSW Planning Assessment Commission, NSW Environment Protection Authority (EPA) and independent reviews on behalf of NSW DPIE.

In accordance with the NSW Noise Policy for Industry (NPfI), where noise surveys are undertaken for the purpose of assessing background noise levels they should be undertaken as per Fact Sheet B1.1 of the NPfI. For the siting of the monitoring location the NPfI states "Site the data loggers(s) at the most - (or potentially most-) affected residences (s). If this is impractical, site the logger (s) at locations with similar acoustical environment." (NPfI Fact Sheet B1.1). This is consistent with the approach detailed in Section 3 of the NSW EPA Industrial Noise Policy (superseded 2017), which was the applicable guideline when noise monitoring for all EIS noise impact assessments was undertaken. Due to the long physical extent of the Casula and Wattle Grove noise catchment areas, and the various noise generating activities within the Moorebank Intermodal Terminal (MIP), different activities within the MIP will impact different receivers along these noise catchments. Accordingly, the monitoring undertaken has been applied to the catchment area as the receivers have a similar acoustical environment, for the purposes of establishing operational noise criteria across the Site.

In contrast to noise monitoring/surveys for the purpose of establishing the existing noise environment, when assessing or verifying noise impacts from a development, they are to be "... assessed at the reasonably most-affected point on or within the residential property boundary or, if that is more than 30 metres from the residence, at the reasonable most-affected point within 30 metres of the residence, but not closer than 3 metres to a reflective surface and at a height of between 1.2-1.5 metres above ground level" (NPfI Section 2.6).

The noise modelling for the proposed modification has included 3D terrain data, taking into account the correct elevated locations of all nearby receivers including the Casula residential receivers. Noise levels were assessed in accordance with the NPfI at these potentially noise affected residences, and these are the noise levels that have been included in the modification noise and vibration impact assessment (report reference TL265-01F04 (r9)) (Section 5.3.2).

Once operational activities are being carried out, measurements will be conducted to verify noise impacts and these will be conducted in accordance with the NPfI at the appropriate locations. However, it is important to note that the criteria apply to noise emissions from MIP operational activities, and not from general ambient noise (which may include some contribution from MIP activities). In some cases for receivers within Casula, direct

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

	<p>measurement of noise from MIP for the purposes of verification is not possible because of the high existing traffic noise levels from nearby arterial roads. Therefore, verification would be undertaken by alternative approaches where applicable as detailed in Section 7 "Monitoring performance" of the NPFI, including:</p> <ul style="list-style-type: none">▪ Direct measurement at alternative or intermediate locations; and▪ Modelling (based upon on-site measurements). <p>The revised Noise and Vibration Impact Assessment is located within Appendix 7 of this Submission.</p>
<ul style="list-style-type: none">▪ <i>Demonstrate that where all loggers have been placed is "truly representative of the most affected residence" (Noise Policy for Industry); and</i>	<p>The noise survey's that were included in the "Moorebank Intermodal Terminal Precinct - Operational noise management" review for establishing background noise levels were based upon the noise surveys presented in the MPW (SSD 5066) and MPE (SSD 6766) EIS documentation. The locations are detailed in Table 4-1 of "SIMTA Noise Assessment – Concept Plan" (Report No. 12186-C, Version C, Wilkinson Murray, 2 August 2013) for MPE logging data and Table 4 of Moorebank Intermodal Terminal EIS- Noise and Vibration Impact Assessment (Report No. 620.10816, 1 October 2014, Revision 1, SLR) for MPW logging data. This monitoring data and the criteria derived from it has been included in the reports that have been reviewed as part of the project applications by NSW Department of Planning and Environment (DPIE), NSW Planning Assessment Commission, NSW Environment Protection Authority (EPA) and independent reviews on behalf of NSW DPIE.</p> <p>In accordance with the NSW Noise Policy for Industry (NPFI), where noise surveys are undertaken for the purpose of assessing background noise levels they should be undertaken as per Fact Sheet B1.1 of the NPFI. For the siting of the monitoring location the NPFI states "Site the data loggers(s) at the most - (or potentially most-) affected residences (s). If this is impractical, site the logger (s) at locations with similar acoustical environment." (NPFI Fact Sheet B1.1). This is consistent with the approach detailed in Section 3 of the EPA Industrial Noise Policy (superseded 2017), which was the applicable guideline when noise monitoring for all EIS noise impact assessments was undertaken. Due to the large long extent of the Casula and Wattle Grove noise catchment areas, and the various different noise generating activities within the Moorebank Intermodal Terminal (MIP), different activities within the MIP will impact different receivers along these noise catchments. Therefore, monitoring has been applied to the catchment area because the receivers have a similar acoustical environment, for the purposes of establishing operational noise criteria.</p> <p>Notwithstanding the above, the submissions received have prompted further review of the</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

noise monitoring data presented in the EIS noise assessments for the MPE and MPW concept plans. In reviewing the monitoring locations and data applicable to the recommended operational criteria, it was noted that background noise levels in the area generally start to increase around 4:00am, which was recently verified as dominated by traffic noise on nearby arterial roads. It was also noted that a number of MIP activities commence operations during the 5:00am to 7:00am period. The monitoring data presented in the "SIMTA Noise Assessment – Concept Plan" (Report No. 12186-C, Version C, Wilkinson Murray, 2 August 2013) for Casula, Flenfield, Wattle Grove and Wattle Grove North, presents the applicable data related to the operational noise criteria determined at that stage. Reviewing the noise monitoring data, and in particular when comparing the established night period value (mostly controlled by the 2:00am to 3:00am period) against the 5:00am to 7:00am morning shoulder period the following increases were found:

- Casula + 4dB(A) increase [night RBL = 34dB(A), 5.00am to 7.00am shoulder RBL = 38dB(A)];
- Glenfield + 8dB(A) increase [night RBL= 37dB(A), 5.00am to 7.00am shoulder RBL = 45dB(A)];
- Wattle Grove + 3dB(A) increase [night RBL= 37dB(A), 5.00am to 7.00am shoulder RBL = 40dB(A)]; and
- Wattle Grove North + 6dB(A) increase [night RBL= 36dB(A), 5.00am to 7.00am shoulder RBL = 42dB(A)].

As a result, it would be appropriate to further amend the recommended operational criteria to introduce a morning shoulder period (refer to Table 6.1 below from the ONM). This would be because it would be unnecessarily conservative and inappropriate to set a noise goal for the 10:00pm to 7:00am period that has been taken from data based upon the 2:00am to 3:00am period, when 5:00am to 7:00am background noise levels are much higher due to traffic noise on nearby arterial roads.

Accordingly, the morning shoulder period (5:00am to 7:00am) levels have been derived in accordance with the Fact Sheet A3 of the NPfI, and where levels were higher than the daytime, the daytime level has been adopted as per the NPfI (Section 2.3). As such, any increased noise emissions from the Moorebank Intermodal Terminal during this period are expected to achieve the noise levels deemed as acceptable for protecting the residential amenity as per the EPA's NPfI, and as such are unlikely to result in increased disturbance to nearby noise sensitive receivers.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Location (residential receivers)	Day	Evening	Night	Morning shoulder (5am to 7am)	Night
	L _{Aeq, 15 minute}	L _{Aeq, 15 minute}	L _{Aeq, 15 minute}	L _{Aeq, 15 minute}	L _{A1, 1 minute}
Casula	46	44	39	43	52
Glenfield	49	46	42	49	52
Wattle Grove	44	42	42	44	52
Wattle Grove North	41	41	41	41	52

The revised Noise and Vibration Impact Assessment is located within **Appendix 7** of this Submission.

Concerns regarding the impact of increased operational noise on Glenfield Farm, which is listed on the NSW State Heritage Register.

Noise impacts from the proposed modifications are predicted to achieve the recommended operational noise trigger levels established in accordance with the NPFI at Glenfield Farm. Predicted noise levels at Glenfield Farm have been included within the revised NVIA (refer to **Appendix 7**).

Dangerous Goods

The Department’s Hazards team has raised a number of concerns with regard to the Preliminary Hazard Analysis submitted as part of the Stage 2 Modification 1 application (SSD-7099-Mod-1). To address these, you are required to provide:

- Clear plans/diagrams indicating:
 - a. the location of the subject warehouses in context of the other warehouses within SSD-7709 and other land uses around SSD-7709;
 - b. the location of all dangerous goods and hazardous chemicals storages (class and maximum quantities) within the site plans of the subject warehouses and verify that this storage arrangement would be able to comply with the relevant Australian Standards; and
 - c. consequence areas and risk contours based on plans/diagrams a and b above;
- An analysis for full warehouse fire for the subject

A detailed mark-up of the Site has been provided in Section 3.1.1. of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to **Appendix 8**).

A locational diagram of the Dangerous Goods storages within the warehouses (JN & JR) has been provided in 3.1.2 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to **Appendix 8**).

Consequence contours for the Dangerous Goods storages has been provided Section 3.1.3 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to **Appendix 8**).

A full warehouse fire along with toxic combustion product dispersion has been assessed in

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

<p><i>warehouses, including analysis of toxic combustion products from this fire, in view of the range of dangerous goods classes to be stored within the warehouses; and</i></p>	<p>Section 3.2 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8), with detailed analysis occurring within Appendix A of the same document.</p>
<ul style="list-style-type: none"> ▪ <i>Revise the probabilistic risk analysis in the PHA to be consistent with the Department's HIPAP No. 4 frequency-based land uses safety risk criteria, and assess the cumulative risk from both subject warehouses to surrounding land uses against HIPAP No. 4.</i> 	<p>A fatality risk analysis has been conducted within Section 3.3 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8), for incidents with the potential for offsite impacts. The analysis estimated a fatality risk at the site boundary of 3.54×10^{-6} chances p.a. which is less than the industrial criteria of 50×10^{-6} chances p.a. Furthermore, the analysis showed that the incident propagation contour of 23 kW/m² did not impact over the site boundary and thus the potential for incident propagation would be 0 based upon radiant heat exposure.</p>
<p>Traffic</p>	
<p><i>The Department notes Liverpool City Council's concerns that the traffic impacts that will arise as part of the proposed modifications are unclear, and requests that you address these concerns including through the provision of further information regarding the traffic implications of the proposal (in particular the increased building height and associated warehouse volume), as well as clarifying and detailing whether traffic arrangements would remain unchanged under the existing consents.</i></p>	<p>Noted.</p>
<p>Infrastructure and Services</p>	
<p><i>The Department notes concerns raised by Endeavour Energy that the Modification Reports submitted do not appear to address the potential impact of the requested modifications on the electricity infrastructure, as well as the suitability of the site for the development in regard to whether the availability of electricity services are adequate for the proposed development.</i></p>	<p>The Proponent notes that the HV network design will require approval from Endeavour Energy prior to connection. Provision will be made to supply Warehouses 5 and 6 from Anzac Village Zone Substation at 11 kV which will accommodate the electricity demand for Warehouses 5 and 6.</p>
<p><i>The Response to Submissions should address whether nor not the increased heights of warehouses 5 and 6 (and resulting higher volumes/density) may result in an increase in the peak demand at Anzac Village Zone Substation, and changes to the local network to accommodate higher loads.</i></p>	<p>The increased height of the building is not a direct correlation with an increase in electricity demand for Warehouses 5 and 6. It is noted, that the HV network design will require approval from Endeavour Energy prior to connection for Warehouses 5 and 6.</p>
<p><i>The Department requests that you address Endeavour Energy's request that the preliminary hazard assessment provided under the provisions of SEPP 33 addresses the risks associated with the proximity of the electricity infrastructure.</i></p>	<p>Figure 3-7 of the Dangerous Goods Peer Review demonstrates the locations of infrastructure assets pertaining to Endeavour Energy in relation to the two (2) Warehouse and Distribution Facilities (JN & JR) (refer to Appendix 8). As can be seen in the Dangerous Goods Peer Review, the aboveground infrastructure is several hundred metres from the warehouses. The underground infrastructure is provided to supply the warehouses themselves and is protected</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
 Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

	<p>from any DG related incidents by virtue of being underground.</p> <p>Furthermore, the contour for assessing property damage (i.e. 23 kW/m²) are not observed based upon the calculations for a full warehouse and contours for smaller incidents do not impact offsite. Therefore, it is considered that there would be no impact upon the Endeavour Energy electrical infrastructure.</p>
<p>Social and Economic Impacts</p>	
<p><i>Please address the concerns raised by members of the public with regard to the impact that the proposed automated high bay warehousing may have on the overall employment benefits of the MPW site as was used to justify the original application.</i></p>	<p>In the <i>Moorebank Intermodal Precinct West - Socio-Economic Impacts</i> report, HillPDA (2020) note that the Proposal will add employment directly and indirectly to the area, significantly improving local access to employment (on-site and in the surrounding community), as well as improving the overall livelihood as a result of the Proposal (refer to Appendix 9). Specifically, the Proposal will generate the following employment opportunities:</p> <ul style="list-style-type: none"> ▪ 1,271 jobs are expected to be created during the construction phase; and ▪ 1,200 jobs are expected to be created during the operational phase. <p>Additionally, the Proposal will positively contribute to meeting the additional demand for employment within the locality from the rapidly growing population in the area which will result in the following positive social and economic impacts:</p> <ul style="list-style-type: none"> ▪ The Proposal will create direct and indirect employment in the south west region of the Sydney Metropolitan Area. ▪ The Proposal will provide additional services and amenity to local residents.
<p><i>Provide updated operational employment numbers.</i></p>	<p>In the <i>Moorebank Intermodal Precinct West - Socio-Economic Impacts</i> report prepared by HillPDA (2020) it is identified (and as mentioned above) that as a result of the proposed modifications, the Proposal will generate approximately 2,471 jobs, which includes:</p> <ul style="list-style-type: none"> ▪ 1,271 jobs are expected to be created during the construction phase; and ▪ 1,200 jobs are expected to be created during the operational phase. <p>The Socio-Economic Assessment prepared by HillPDA is located within Appendix 9 of this Submission.</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 2: Response Matrix	
Relevant Entities Response to Submissions	Formalised Response
Liverpool City Council (David Smith – A/Director City Economy & Growth)	
Traffic	
<p><i>Council has previously objected to the Moorebank terminals development on the grounds of traffic and transport impacts on the road network in the Liverpool Local Government Area. Council has consistently requested that improvement works should be carried out to minimise these impacts. Council seeks clarification regarding the traffic impacts that will arise as part of the proposed modification. It is not clear to Council what traffic implications will arise as a result of the proposed modification, or if traffic arrangements will remain unchanged under the existing consents for MPW.</i></p>	<p>As confirmed in the <i>Transport Assessment</i> prepared by Ason Group (2020), the traffic analysis undertaken indicates that during the standard AM and PM peak hours, the combined facility generates significantly less traffic (light and heavy) than corresponding approved thresholds, demonstrating that whilst the proposal may generate relatively more heavy vehicle traffic across the day compared with the developments assumed under the assessment with respect to SSD 7709, for which the proposal’s traffic occurs outside of the critical morning and evening peak hour periods.</p> <p>Accordingly, the traffic analysis undertaken by Ason Group (2020) demonstrates that the Modification Application would generate traffic volumes that are below the approved traffic generation thresholds that have been previously established and approved under SSD 7709. Therefore, the road network – subject to the infrastructure upgrades approved with respect to SSD 7709 – would operate at a satisfactory Level of Service (LoS).</p>
<p><i>Council encourages the inclusion of a pedestrian bridge from Casula train station to the MPW site. This would provide active transport options for future workers at the site, reduce vehicle congestion and assist with improved overall travel and traffic outcomes.</i></p> <p><i>Furthermore, it will provide an 'active link' for the community to access the valuable bushland that surrounds the intermodal sites and surrounding area.</i></p>	<p>The Submission identifies no direct contextual relationship to the subject Modification Application.</p> <p>For context, the MPW Development Consent under SSD 5066 comprises a Concept Approval as well as approval for MPW Stage 1 Early Works. Under Schedule 2 (Terms of Approval) of that consent instrument, condition of consent 18 states:</p> <p style="text-align: center;"><i>The layout of the site shall not prevent a possible future pedestrian connection to Casula Railway Station.</i></p> <p>Under the MPW Stage 2 Consent (SSD 7709) Part B Key Environmental Issues, Condition B2(j) requires provision of a corridor for this purpose. This corridor is identified in the approved B2 Development Layout Drawings Reference: PIWW-RCG-AR-DWG-0100(H).</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

	Further consideration is not considered to be required in this respect.
Dangerous Goods	
<i>Council has received numerous complaints and concerns from the community regarding the component of the modification proposal that involves the storage of dangerous goods. It is understood by Council that the dangerous goods to be stored are in relation to the quantity of supermarket items such as aerosol cans and other flammable items that will be stored by Woolworths. Council submits that the conditions surrounding the safe storage of dangerous goods must be in a manner that will safeguard the community.</i>	Noted and agreed. This can be undertaken as a Condition of Consent subject to approval.
Noise	
<i>Council considers that site regulation in regard to noise management may be assisted by adopting a precinct approach consistent with the NSW EPA's Noise Policy for Industry (2017). Despite some similarities, the criteria recommended by Renzo Tonin & Associates (Moorebank Intermodal Terminal Precinct Operational Noise Management (Issued Revision 4) dated 30th June 2020) may be less stringent than presented under the Concept Plan in certain circumstances. Whilst it is acknowledged that current criteria in the Approval may be impracticable, it will be necessary for the Department to consider applying suitable noise limits that are achievable and capable of protecting the amenity and wellbeing of sensitive receivers.</i>	Noted.
<i>The Department is requested to consider acoustic impacts associated with proposed amendments to the Concept Plan comprising the extension of operational boundaries at the site. Noise impacts attributed to the two distribution centres must also be examined. It will be necessary for the Department to determine whether the previously submitted acoustic reports incorporate an effective assessment of the proposal comprising all modifications. If it is determined that sufficient information is unavailable, the Modification Applications shall be supported by an acoustic report prepared by a suitably qualified acoustic consultant.</i>	<p>The subject Modification Application has included an acoustic assessment which reviewed in detail the noise emissions from the current proposal and reviewed the current proposed design, which includes feasible and reasonable mitigation measures to account for any projected noise emissions as a result of the Proposal.</p> <p>The ONM document (TJ741-11F05 (r4) Moorebank Noise Management Precinct - Requirements review) included a review of the appropriate criteria that would apply to the cumulative noise emissions from both the MPW and MPE operations. As noted in the response from the NSW EPA, the cumulative noise criteria recommended are in line with current policy and seen as reasonable by the NSW EPA. Operational noise emissions from the existing and future MPW and MPE operations would then be designed and managed in accordance with achieving these overall cumulative operational noise levels.</p>
<i>When assessing noise levels at commercial or industrial premises, the noise</i>	In accordance with the NPfI, when assessing or verifying noise impacts from a

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

level shall be determined at the most affected point on or within the property boundary. Alternatively, when gauging noise levels at residences, the noise level shall be assessed at the most affected point on or within the residential property boundary. It is noted that Council has received offers from residents in Casula to allow the testing of noise levels within their properties. These residents possess concerns that noise monitoring occurring currently are not at a high enough elevation and that more significant acoustic impacts will occur to properties at higher elevations within Casula.

development, they are to be "... assessed at the reasonably most-affected point on or within the residential property boundary or, if that is more than 30 metres from the residence, at the reasonable most-affected point within 30 metres of the residence, but not closer than 3 metres to a reflective surface and at a height of between 1.2-1.5 metres above ground level" (NPfI Section 2.6).

The noise modelling for the proposed modifications has included 3D terrain, taking into account the elevated location of the Casula residences. Noise levels were assessed in accordance with the NPfI at these potentially noise affected residences, and these are the noise levels that have been included in the assessment undertaken as part of this Modification Application.

Verification of noise impacts will also be undertaken in accordance with Section 7 "Monitoring performance" of the NPfI during facility operations. However, it is important to note that the criteria apply to noise emissions from Moorebank Intermodal Terminal activities, and not from general ambient noise. In some cases for receivers within Casula, direct measurement of noise from MIP for the purposes of verification is not possible because of the high existing traffic noise levels from nearby arterial roads, and so verification measurements are required to be undertaken by alternative approaches included in the NPfI.

Proposed Height

As stated within the Clause 4.6 Variation – Height of Buildings (Clause 4.3) prepared by Willowtree Planning, "the proposed modifications would result in an exceedance of the 21 m building height control under LLEP2008 by approximately 24 m (or by 114.29%)." Council has concerns regarding the visual impacts of the development, summarised below:

- *The visual impacts of the proposed warehouses seem significant from certain vantage points in Casula including the loss of scenic views; and*

In accordance with the subject Modification Application, the following is noted regarding potential visual impacts pertaining to both warehouses in isolation, as well as from a cumulative perspective:

- JR Warehouse: The reduced height (from 42.6 m to 39.4 m) in the revised design and proposed landscaping lead to a moderate / low visual impact on the vantage points in Casula. Notwithstanding, the overall visual impact of the JR Warehouse is considered to be low since the Proposal is not visible in majority of studied vantage points.
- JN Warehouse: The majority of views in Casula will not be impacted by the proposal due to the existing dense vegetation, land topography (low points along the creek) and distance from proposal. The VIA investigative studies identified Carroll Park as the only main publicly accessible area being potentially visually impacted by the Proposal. However, it is argued that the landscape quality and character of existing scenic views is changing due to

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

	<p>the evolving industrial precinct (as well as surrounding industrial developments beyond the Subject Site) and the proposal does not cause an abrupt change or a notable loss to the quality of landscape.</p> <ul style="list-style-type: none"> ▪ Cumulative Impacts: The Visual Impact Assessment report assessed the overall cumulative visual impact of the JR and JN warehouse as moderate / low in year 1 and low in year 10+. It is noted that the Proposal will be largely screened by the proposed landscaping along western boundary when viewed from Casula (year 10+) which is satisfactorily demonstrated within the Landscape Plans for the Site.
<ul style="list-style-type: none"> ▪ <i>Mitigation measures cannot be provided that would enable the scenic views of properties in Casula to be retained.</i> 	<p>It is important to note, that the Proposal is completely consistent with both the IN1 General Industrial zone objectives, as well as the Clause 4.3 objectives under the LLEP2008. As confirmed within the Visual Impact Assessments prepared by Roberts Day (2020), the Proposal does not create any adverse visual impacts and would not compromise scenic views or the skyline of sensitive residential receivers.</p> <p>Importantly, in terms of mitigation measures, the materiality of the building’s proposed will be expressed in volumetric shapes broken up by a colour palette representing earthy tones to provide a conducive visual appearance. The architectural design is considered sophisticated and representative of modernised highbay warehouses, whilst being completely cognisant with respect to nearby sensitive receivers affording views towards the Site, for which the design has evolved to mitigate unwarranted views where possible and protect the visual amenity of identified receiver locations as best as possible.</p> <p>Additionally, proposed landscaping along the western boundary (mature size) with a height of 30 m will largely screen the JR Warehouse due to its revised reduced height (from 42.6 m to 39.4 m) as demonstrated within the revised Architectural Plans (refer to Appendix 3 & 4). Furthermore, with respect to the JN Warehouse, proposed landscaping along the western boundary (mature size) will partly cover the Proposal to an extent that only a small part of the highbay component will be visible.</p>
<p><i>While the proposed warehouses are consistent and compatible with the surrounding industrial land uses, the proposed height is more than twice the height of the surrounding warehousing.</i></p> <p><i>Significant scenic views from Casula (a topographical high point in comparison to the land to the east and south) will be impacted.</i></p>	<p>As mentioned above, in accordance with the subject Modification Application, the following is noted regarding potential visual impacts pertaining to both warehouses in isolation, as well as from a cumulative perspective:</p> <ul style="list-style-type: none"> ▪ JR Warehouse: The reduced height (from 42.6 m to 39.4 m) in the revised design and proposed landscaping lead to a moderate / low visual impact on

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

	<p>the vantage points in Casula. Notwithstanding, the overall visual impact of the JR Warehouse is considered to be low since the Proposal is not visible in majority of studied vantage points.</p> <ul style="list-style-type: none"> ▪ JN Warehouse: The majority of views in Casula will not be impacted by the proposal due to the existing dense vegetation, land topography (low points along the creek) and distance from proposal. The VIA investigative studies identified Carroll Park as the only main publicly accessible area being potentially visually impacted by the Proposal. However, it is argued that the landscape quality and character of existing scenic views is changing due to the evolving industrial precinct (as well as surrounding industrial developments beyond the Subject Site) and the proposal does not cause an abrupt change or a notable loss to the quality of landscape. ▪ Cumulative Impacts: The Visual Impact Assessment report assessed the overall cumulative visual impact of the JR and JN warehouse as moderate / low in year 1 and low in year 10+. It is noted that the Proposal will be largely screened by the proposed landscaping along western boundary when viewed from Casula (year 10+) which is satisfactorily demonstrated within the Landscape Plans for the Site.
<p><i>There are likely to be adverse visual impacts of the proposal, particularly from sites in Casula.</i></p>	<p>The majority of residential properties will not be impacted by the Proposal due to:</p> <ul style="list-style-type: none"> ▪ Existing landscaping comprising mature trees / dense vegetation which satisfactorily screens views towards the Subject Site; and ▪ Orientation of properties (not facing the Subject Site). <p>Additionally, properties along Carroll Park (open land with limited tree cover) are identified as main private views impacted by the Proposal. Notwithstanding, it is argued that:</p> <ul style="list-style-type: none"> ▪ Backyards are facing the Proposal with 2 m back fencing which partly blocks the view from ground level; and ▪ Upper storeys are more elevated than the studied views (Viewpoints 4, 11, 12 & 13) which results in a higher eyelevel and lower skyline. This will reduce the proposed height impact.
<p><i>The loss of scenic views from sites in Casula is of concern. Nonetheless, extensive landscaping is strongly encouraged for this proposed modification.</i></p>	<p>The landscaping strategy proposed across the Site is considered comprehensive and integrates an aesthetically pleasing architectural landscaped design that is</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

<p><i>Increased tree canopy across the site is essential to mitigate against urban heat impacts, and provide a screening effect for the proposed warehousing.</i></p> <p><i>Council submits that all proposed tree removals be calculated as a percentage of canopy lost and be offset with new vegetation as measured from the day of construction completion.</i></p>	<p>sympathetic towards visual receptors to the west of the Site, by improving the visual amenity by increasing available canopy cover across the Site. Additionally, the proposed landscaping strategy is consistent with the Urban Design Development Report (UDDR) which has been recently approved and aims to facilitate a 15% site coverage with respect to landscaping across MPW, for which the proposed modifications are completely consistent with. Accordingly, the landscaping proposed is considered sufficient and consistent with the landscaping strategy required for MPW.</p>
<p><i>Council recognises the efficiency advantages of high-bay warehousing and encourages this form of development, however is concerned with the visual impacts of the development, particularly from sites in Casula.</i></p>	<p>As previously mentioned above, in accordance with the subject Modification Application, the following is noted regarding potential visual impacts pertaining to both warehouses in isolation, as well as from a cumulative perspective:</p> <ul style="list-style-type: none">▪ JR Warehouse: The reduced height (from 42.6 m to 39.4 m) in the revised design and proposed landscaping lead to a moderate / low visual impact on the vantage points in Casula. Notwithstanding, the overall visual impact of the JR Warehouse is considered to be low since the Proposal is not visible in majority of studied vantage points.▪ JN Warehouse: The majority of views in Casula will not be impacted by the proposal due to the existing dense vegetation, land topography (low points along the creek) and distance from proposal. The VIA investigative studies identified Carroll Park as the only main publicly accessible area being potentially visually impacted by the Proposal. However, it is argued that the landscape quality and character of existing scenic views is changing due to the evolving industrial precinct (as well as surrounding industrial developments beyond the Subject Site) and the proposal does not cause an abrupt change or a notable loss to the quality of landscape.▪ Cumulative Impacts: The Visual Impact Assessment report assessed the overall cumulative visual impact of the JR and JN warehouse as moderate / low in year 1 and low in year 10+. It is noted that the Proposal will be largely screened by the proposed landscaping along western boundary when viewed from Casula (year 10+) which is satisfactorily demonstrated within the Landscape Plans for the Site.
<p><i>The visual receptors chosen involve perspectives that are often shielded by development or trees. For example, the perspectives taken from Casula Road is setback from Canberra Ave which offers views between dwellings across</i></p>	<p>Both viewpoints identified by Council have been investigated within the revised Visual Impact Assessment report (refer to Appendix 5 & 6). Accordingly, the Proposal will have no adverse visual impacts on the existing views of these two (2)</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

<p><i>the river. It is requested that an additional visual receptor is provided, as well as the following new perspectives:</i></p> <ul style="list-style-type: none">▪ <i>Casula Powerhouse and Arts Centre; and</i>▪ <i>Casula Parklands.</i> <p><i>Both of these sites are of significant local and regional value to the community and are tourism destinations. The loss of scenic value as experienced from these sites has not been considered as part of the proposed modifications.</i></p>	<p>sites, for which further consideration is not considered to be required in this respect.</p>
<p><i>Council notes the significant demand currently for industrial land and is eager for employment generating uses to be fostered within the LGA. It is also noted that vertical warehousing helps maximise the efficiency of industrial land. However, such development should be appropriate and adverse impacts, including visual impacts avoided or mitigated.</i></p>	<p>In response to the concerns raised by the NSW DPIE, the height of the highbay component proposed in the JR Warehouse has been reduced (from 42.6 m to 39.4 m) to a level which is consistent with the surrounding industrial character articulated within the Moorebank Intermodal Facility (MPE & MPW), as well as surrounding industrial developments to the north of the Site.</p> <p>The Visual Impact Assessment report assesses the overall visual impact of the JR Warehouse as low. It is noted that the Proposal will be largely screened by the proposed landscaping along western boundary when viewed from Casula (year 10+) which is satisfactorily demonstrated within the Landscape Plans for the Site (refer to Appendix 5 & 6).</p> <p>Although the highbay component proposed in the JN Warehouse is above the maximum building height limit, it doesn't impose any adverse visual impacts on surrounding visual receivers (including residential receivers to the west of the Site) due to:</p> <ul style="list-style-type: none">▪ Consistency with the industrial character of the area.▪ Presence of other landscape detractors higher than the 21 m height limit (including utility poles and railhead gantry cranes).▪ Generous buffer between the highbay component and surrounding publicly accessible areas / private residential views (in average the views are ~1 km away from the highbay component which reduces the perception of height

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

	<p>and scale).</p> <ul style="list-style-type: none">▪ Due to the extensive distance and topography of the Site in accordance with residential receivers to the west (including Viewpoints 4, 11, 12 and 13), the overall visual impacts are significantly mitigated by being in line and below the skyline, for which existing 'scenic' and 'skyline' views on these receptors are not compromised.▪ Existing dense vegetation (including Carroll Park, Casula Parklands and the Georges River creek corridor) and proposed landscaping which further screens the Proposal.
<p><i>Council supports the innovative use of industrial land, however such development should be appropriate and adverse impacts, including visual impacts avoided or mitigated.</i></p>	<p>As above.</p>
<p><i>The existing visual impact is noted, however Council does not agree with the statement that the proposed modification will only constitute a minor additional built form component. The proposed height is more than twice the existing height limit.</i></p>	<p>In response to the concerns raised by the NSW DPIE, the height of the highbay component proposed in the JR Warehouse has been reduced (from 42.6 m to 39.4 m) to a level consistent with the surrounding industrial character articulated within the Moorebank Intermodal Facility (MPE & MPW), as well as surrounding industrial developments to the north of the Site.</p> <p>The Visual Impact Assessment report assesses the overall visual impact of the JR Warehouse as low. It is noted that the Proposal will be largely screened by the proposed landscaping along western boundary when viewed from Casula (year 10+) which is satisfactorily demonstrated within the Landscape Plans for the Site (refer to Appendix 5 & 6).</p> <p>The proposed highbay component in the JN Warehouse is not considered to be a major additional built form component. This is mainly due to the fact that the most impacted views are wide and panoramic with the proposed modifications perceived as a relatively minor additional element within the overall scene.</p> <p>The Visual Impact Assessment report assesses the overall cumulative visual impact of the JR and JN Warehouses as moderate/ low in year 1 and low in year 10+. It is noted that the Proposal will be largely screened by the proposed landscaping along western boundary when viewed from Casula (year 10+) which is satisfactorily</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

	demonstrated within the revised Concept Plan for the Site which articulates the provisional landscaping proposed across the Site in accordance with the requirements bestowed under the UDDR recently approved for the Site.
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Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 3: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
NSW Department of Planning, Industry and Environment – Biodiversity and Conservation Division	
<i>The Environment, Energy and Science Group of DPIE have no comments on this modification.</i>	Noted and agreed.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 4: Response Matrix	
Relevant Entities Response to Submissions	Formalised Response
Department of Planning, Industry and Environment – Hazards	
<i>In noting from EA Section 3.2 that the Applicant intends to modify condition B176, it would be critical for the Applicant to clearly identify the subject warehouse in a consistent manner within all the relevant documents and plans. This would allow the condition be modified to allow for the subject warehouses to store DG within the limits specified in the PHA. If the Applicant intends to store DG above SEPP 33 thresholds in other warehouses in future, condition B176 needs to be modified progressively for the relevant PHAs to be submitted pre-approval. This approach is in-line with the proper application of SEPP 33, requiring a PHA to be submitted during environmental assessments and not post-approval.</i>	Noted.
<i>Clear identification of the warehouses is also critical to ensure that the PHA has been conducted in context of the other land uses surrounding the subject warehouses. These other land uses, although may be within SSD 7709, are still considered off-site risk receptors in context of the Department’s HIPAP No. 4. In this sense, we expect an analysis of full warehouse fires be performed in the PHA for the subject warehouses to demonstrate impacts to adjacent land uses, if any. We note that the analysis for full warehouse fire was not included in the current PHA, referring to PHA Section 4.14.1.</i>	A full warehouse fire along with toxic combustion product dispersion has been assessed in Section 3.2 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8), with detailed analysis occurring within Appendix A of the same document.
<i>Moreover, we note that the current PHA did not assess the cumulative risk from both subject warehouses to surrounding land uses against the Department’s HIPAP 4 land use safety risk criteria. Although we note that likelihoods are analysed in terms of probability in various sections in the PHA, the cumulative risk analysis was not clearly analysed in terms of frequency per year which is the basis of the HIPAP 4 criteria (i.e. 50 x 10-6 chances per year for individual fatality risk at industrial land uses).</i>	A fatality risk analysis has been conducted within Section 3.3 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8), for incidents with the potential for offsite impacts. The analysis estimated a fatality risk at the site boundary of 3.54x10 ⁻⁶ chances p.a. which is less than the industrial criteria of 50x10 ⁻⁶ chances p.a. Furthermore, the analysis showed that the incident propagation contour of 23 kW/m ² did not impact over the site boundary and thus the potential for incident propagation would be 0 based upon radiant heat exposure.
<i>Considering the above, we request the following information to enable a detailed review of the PHA. Further information may be requested after considering the responses during the detailed review.</i>	A detailed mark up of the site has been provided in Section 3.1.1. of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8).

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

<p>1. <i>clear plans/diagrams indicating:</i></p> <ul style="list-style-type: none">a. <i>the location of the subject warehouses in context of the other warehouses within SSD 7709 and other land uses around SSD 7709;</i>b. <i>the location of all dangerous goods and hazardous chemicals storages (class and maximum quantities) within the site plans of the subject warehouses and verify that this storage arrangement would be able to comply with all relevant Australian Standards.</i>c. <i>consequence areas and risk contours bases on plans/diagrams a and b above.</i>	<p>A locational diagram of the DG storages within the warehouses has been provided in 3.1.2 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8).</p> <p>Consequence contours for the DG storages has been provided Section 3.1.3 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8).</p>
<p>2. <i>analysis for full warehouse fire for the subject warehouses, including analysis if toxic combustion products from this fire in view of the range of dangerous goods classes to be stored within the warehouses.</i></p>	<p>A full warehouse fire along with toxic combustion product dispersion has been assessed in Section 3.2 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8), with detailed analysis occurring within Appendix A of the same document.</p>
<p>3. <i>revise the probabilistic risk analysis in the PHA to be consistent with the Department's HIPAP 4 frequency-based land uses safety risk criteria and assess the cumulative risk from both subject warehouses to surrounding land uses against HIPAP 4.</i></p>	<p>A fatality risk analysis has been conducted within Section 3.3 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8), for incidents with the potential for offsite impact. The analysis estimated a fatality risk at the site boundary of 3.54×10^{-6} chances p.a. which is less than the industrial criteria of 50×10^{-6} chances p.a. Furthermore, the analysis showed that the incident propagation contour of 23 kW/m² did not impact over the site boundary and thus the potential for incident propagation would be 0 based upon radiant heat exposure.</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 5: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
NSW Environment Protection Authority (Claire Miles)	
<p><i>The EPA reviewed the Modification Application Planning Report, prepared by Willowtree Planning, dated 21 July 2020, Appendix 10 – Noise and Vibration Impact Assessment, prepared by Renzo Tonin and Associates, dated 8 July 2020 (the NVIA), and Appendix 11 – Operational Noise Management, prepared by Renzo Tonin and Associates, dated 30 June 2020 (the ONM) submitted to support the request to modify condition B131. The EPA has also considered other noise assessment documents including from the original Environmental Impact Statements (EIS) and Response to Submission (RtS) for SSD 7709 and the noise and vibration impact assessment for the Moorebank Intermodal Precinct Stage 3 (SSD 10431) currently under assessment.</i></p> <p><i>It should be noted that the EPA has previously raised concerns regarding the lack of information provided in noise impact assessments for planning approvals across the Moorebank Intermodal site, to make a full and informed assessment of the potential operational and cumulative noise impacts from the proposal. The conditions of consent for SSD 7709 attempted to address these concerns, with the noise limits in the consent based on cumulative level for both the Moorebank Intermodal Precinct West (MPW) and Moorebank Intermodal Precinct East (MPE) sites.</i></p> <p><i>However, the current noise limits are set below the predicted noise levels and are not based on the Project Specific Noise Levels (PSNL) derived under the then-applicable Industrial Noise Policy 2000 (now superseded by the Noise Policy for Industry 2017). The current daytime noise limits in the consent appear to be based on the night-time predicted noise level for the MPW Stage 2 amended proposal, and the evening and night-time noise limits are the minimum PSNL. The EPA considers that the resulting noise limits are not achievable for MPW, nor are they achievable for the cumulative MPW and MPE sites.</i></p>	<p>Noted and agreed.</p> <p>The recommended operational noise limits in the ONM are consistent with the EPA's Industrial Noise Policy (superseded) and Noise Policy for Industry, as detailed in the document and stated in the conclusion (Section 6 of the NPfI). The recommended operational noise limits are based upon project intrusiveness noise levels, as they have been selected out of the more stringent of the project intrusiveness and amenity noise levels.</p> <p>Furthermore, the submissions received have prompted a review of the noise monitoring data presented in the EIS noise assessments for the MPE (SSD 6766) and MPW (SSD 5066) concept plans. In reviewing the monitoring locations and data applicable to the recommended operational criteria, it was noted that background noise levels in the area generally start increasing around 4:00am, which was recently verified as dominated by traffic noise on nearby arterial roads. It was also noted that a number of MIP activities commence operations during the 5:00am to 7:00am period. The monitoring data presented in the "SIMTA Noise Assessment – Concept Plan" (Report No. 12186-C, Version C, Wilkinson Murray, 2 August 2013) for Casula, Glenfield, Wattle Grove and Wattle Grove North, show the applicable data related to the recommended operational noise criteria. Reviewing the noise monitoring data, and in particular when comparing the established night period value (mostly controlled by the 2:00am to 3:00am period) against the 5:00am to 7:00am morning shoulder period the following increases were found:</p> <ul style="list-style-type: none"> ▪ Casula + 4dB(A) increase [night RBL = 34dB(A), 5.00am to 7.00am shoulder RBL = 38dB(A)]; ▪ Glenfield + 8dB(A) increase [night RBL= 37dB(A), 5.00am to 7.00am shoulder RBL = 45dB(A)]; ▪ Wattle Grove + 3dB(A) increase [night RBL= 37dB(A), 5.00am to 7.00am

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

The EPA reviewed the NVIA that was undertaken to assess the construction and operational noise impacts associated with the modification to the warehouse and distribution facilities. The NVIA explores feasible and reasonable mitigation measures in an attempt to achieve the current noise limits in the consent for MPW (SSD 7709), however as noted, the noise limits are unachievable as they were set below the predicted noise levels in the EIS.

The ONM document provides a review of noise levels outlining what is cumulatively achievable across the MPW and MPE site. The approach proposed in the ONM is reasonable and in line with current policy. The EPA considers that the building height increase proposed by the modification could meet the proposed new noise limits also proposed in the modification, provided that the noise mitigation measures outlined in the NVIA are adopted.

shoulder RBL = 40dB(A)]; and

- Wattle Grove North + 6dB(A) increase [night RBL= 36dB(A), 5.00am to 7.00am shoulder RBL = 42dB(A)].

As a result, it would be appropriate to further amend the recommended operational criteria to introduce a morning shoulder period - see Table 6.1 below from the revised ONM. This would be because it would be unnecessarily conservative and inappropriate to set a noise goal for the 10:00pm to 7:00am period that has been taken from data based upon the 2:00am to 3:00am period, when 5:00am to 7:00am background noise levels are much higher due to traffic noise on nearby arterial roads. The morning shoulder period (5:00am to 7:00am) levels have been derived in accordance with the Fact Sheet A3 of the NPfI, and where levels were higher than the daytime, the daytime level has been adopted as per the NPfI (Section 2.3 of the NPfI).

As such, any increased noise emissions from the Moorebank Intermodal Terminal during this period are expected to achieve the noise levels deemed as acceptable for protecting the residential amenity as per the EPA's NPfI, and as such are unlikely to result in increased disturbance to nearby noise sensitive receivers.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 6: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
Heritage NSW	
<i>On the basis of the information provided, the proposed modification does not appear to have any additional effect on Aboriginal cultural heritage that was not already approved under the SSD 5066 development consent. Any Aboriginal cultural heritage management actions required for the project should continue to be undertaken in accordance with the existing conditions of consent. We recommend any management plans that exist for the project should be revised to reflect the changes in design if this modification is approved.</i>	Noted and agreed.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 7: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
TfNSW (Pahee Rathan – Senior Land Use Assessment Coordinator)	
<i>TfNSW has reviewed the modification application and notes that the application is not seeking to increase the approved warehousing gross floor area of 215,000 square metres. Therefore, TfNSW does not raise any objections to the modification application subject to the previous TfNSW comments and conditions for SSD-7709 remaining applicable.</i>	Noted and agreed.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 8: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
Sydney Water (Kristine Leitch – Growth Intelligence Manager)	
Building Plan Approval	
<i>The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</i>	Noted and agreed.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
 Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 9: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
Endeavour Energy (Cornelis Duba – Development Application Specialist)	
<p><i>Whilst it is indicated that there is no additional GFA proposed under this Modification Application, for which MPW Stage 2 would accrue a cumulative total of approximately 215,000 m2 GFA (as approved under SSD 7709) once developed, the increased heights resulting in higher volumes / density of the buildings may result in an increase in the peak demand at Anzac Village Zone Substation and changes to the local network to accommodate the higher loads.</i></p> <p><i>Endeavour Energy will continue to monitor the load growth on Anzac Village Zone Substation. Any possible augmentation that may be required of the zone substation is not a prerequisite for the requested modifications being approved by the Department and new development proceeding.</i></p> <p><i>Endeavour Energy has noted that the request for the modification is supported by a State Environmental Planning Policy No 33 – SEPP 33 – Screening Test and Preliminary Hazard Analysis Report was prepared by Mendham Consultants (2020) which considers the potential hazards associated with the proposal for Warehouses 5 & 6.</i></p> <p><i>Endeavour Energy is aware that under the provisions of SEPP33 in the preparation of a preliminary hazard assessment electricity infrastructure is not defined / regarded as sensitive land use. However, in similar situations Endeavour Energy has sought further advice from the consultants preparing the preliminary hazard assessment on the basis that, although not a sensitive land use in the traditional / environmental sense, if the electricity infrastructure on or in proximity of the site is damaged, the resulting outage could a significant number of properties / customers without power. The consultants have been requested to specifically address the risks associated with the proximity of the electricity infrastructure ie. detail design considerations, technical or operational controls etc. to demonstrate as</i></p>	<p>Noted and agreed.</p> <p>The increased height of the building is not a direct correlation with an increase in electricity demand for Warehouses 5 and 6. It is noted, that the HV network design will require approval from Endeavour Energy prior to connection for Warehouses 5 and 6.</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

required by SEPP33 that the proposed business / development is suitably located and can be built and operated with an adequate level of safety and pollution control.

Subject to the foregoing Endeavour Energy has no objection to SSD-7709-Mod-1 request to modify the Moorebank Intermodal Precinct West – Stage 2 development consent (SSD-7709).

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
 Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 10: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
Georges River Environmental Alliance (Sharyn Cullis – Secretary)	
<p><i>The Modification Application Planning Report (SSD 7709, Willow Tree Planning) notes the site is identified within the Western Parkland City District Plan, and in line with the Greater Sydney Commission (GRC) Strategic Planning Priorities, with respect to economic contribution. Since it has been raised, the GRC set high targets for urban tree canopy (Objective 30, Metropolis of 3 Cities) and the management of heatwaves and extreme heat management (Objective 38). Given the vastness of this site, its proximity to the surrounding residential areas and its potential to generate extreme heat, these are not objectives that can be traded away off-site. A cooling tree canopy is required as an on-site mitigation strategy. This must be conditioned as part of any approval.</i></p>	<p>All potential impacts as a result of the Urban Heat Island Effect form the nexus behind the precinct-wide landscaping strategy (post-approval requirement) as approved under the MPW Urban Design Development Report (UDDR), for which the Proposal would remain consistent with, as well as going above and beyond the minimum requirements, with respect to denser landscaping and increased canopy cover across the Site, where deemed reasonable and feasible. The landscape strategy proposed includes an aesthetically pleasing architectural landscaped design which includes densely vegetated landscape screening that will suitably screen potentially impacted visual receptors and create a vibrant and welcoming aesthetic towards the Site, improving the overall visual amenity and wellbeing associated with the Proposal.</p>
<p><i>This modification involves changed boundaries, increased heights for MPW Stage 2, modified noise criteria and to allow the storage of dangerous goods in Warehouse areas 5&6. These are a particularly onerous burden in terms of their cumulative impact on the surrounding community and deserve to be rejected.</i></p>	<p>The proposed modifications include provisions for the adjoining parameters; however, it is considered that all parameters have been appropriately addressed throughout the Planning Report prepared by Willowtree Planning, as well as the respective consultant reports pertaining to each discipline, for which the cumulative impacts have been satisfactorily considered for each discipline.</p> <p>This submission item is considered subjective and does not take into account any of the findings of the Proposal, rather focuses on the description of the proposed modifications, for which no objectified submission items have been raised besides the scope of the proposed modifications. Further consideration is not considered warranted in this respect as all matters raised have been appropriately addressed within the documentation provided.</p>
<p><i>Section 4.2 consideration of Alternatives</i></p> <p><i>(b) rejects an alternative site, when clearly one should now be considered with the far superior site now existing alongside the Western Sydney Aerotropolis, with its streamlined supporting infrastructure. It is less constrained in terms of nearness to an external environmental receptor (in Moorebank’s case, the Georges River) and vulnerable suburban communities.</i></p>	<p>In relation to item (b), the Subject Site was deemed to be the most suitable site following investigations pertaining to several geographic locations and potential development scenarios throughout the Western Sydney Region, including the Western Sydney Aerotropolis. The fundamental basis of item (b) in relation to the Georges River Environmental Alliance’s noted ‘rejection’, is predicated by the fact that the Subject Site offered a far more superior and supportable platform for development than other site’s throughout the Western Sydney Region.</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

<p><i>(c) makes the assertion that it makes a positive contribution to environmental parameters. Yet in this context it does not consider its performance in terms of the local heat island/climate impacts and biodiversity losses when those involve the loss of 43 ha of Endangered Ecological communities (Forests), and the habitat of 8 threatened species and the koala, and the off-sets do not in any way appease the objecting public. In fact, as the plight of the Koala has become more dire since the 2020 Black Summer fires, the level of public anger about this is more pressing. (this objection also relates to the discussion in S. 5.3 Biodiversity Conservation Act)</i></p>	<p>It should be noted that the environmental receptors identified as part of the proposed modifications have been appropriately mitigated under the Conditions of Consent pertaining to SSD 7709, as well as any further planned management and mitigation measures proposed to be implemented as a result of the built form outcomes proposed under the subject Modification Application.</p> <p>With respect to item (c), the proposed modifications appropriately respond to the key environmental parameters affiliated with the Subject Site and those of which adjoin the Site. All potential biodiversity impacts have been satisfactorily addressed within SSD 7709, whilst all potential impacts as a result of the Urban Heat Island Effect form the nexus behind the precinct-wide landscaping strategy as approved under the MPW Urban Design Development Report (UDDR), for which the Proposal would remain consistent with, as well as going above and beyond the minimum requirements, with respect to denser landscaping and increased canopy cover across the Site, where deemed reasonable and feasible.</p> <p>Accordingly, further consideration is not considered required in this respect.</p>
<p><i>Section 4.3 Proposed High Bay Warehousing</i></p> <p><i>We object, just not only the basis of the intensely increased ugliness of this proposal but also note that the highly automated pallet retrieval systems will nullify much of the employment benefits of the original proposal.</i></p>	<p>As outlined in Table 1 above, the <i>Moorebank Intermodal Precinct West - Socio-Economic Impacts</i> report, HillPDA (2020) note that the Proposal will add employment directly and indirectly to the area, significantly improving local access to employment (on-site and in the surrounding community), as well as improving the overall livelihood as a result of the Proposal (refer to Appendix 9). Specifically, the Proposal will generate the following employment opportunities:</p> <ul style="list-style-type: none">▪ 1,271 jobs are expected to be created during the construction phase; and▪ 1,200 jobs are expected to be created during the operational phase. <p>Additionally, the Proposal will positively contribute to meeting the additional demand for employment within the locality from the rapidly growing population in the area which will result in the following positive social and economic impacts:</p> <ul style="list-style-type: none">▪ The Proposal will create direct and indirect employment in the south west region of the Sydney Metropolitan Area. <p>The Proposal will provide additional services and amenity to local residents.</p>
<p><i>Section 5.2 EP and A Act (1979)</i></p>	<p>The Submission comment does not technically comment on the assessment against Section 4.55(2) of the EP&A Act, for which the Planning Report appropriately</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

<p><i>In developing a legal case to argue the proposed modifications are substantially the same, as originally proposed, the consultants provide a case that rests on the assertion that an increase in warehouse height of over 114% is not substantial. To the contrary, it is common sense, that such an increase is very significant, and that the proponent's case is not 'reasonable', nor fair to the community. Furthermore, it rests on the false assertion that the significance of the impact is low/negligible due to the highly industrial nature of the surrounding area. To the contrary, the Moorebank Intermodal site, sits alongside well established residential suburbs like Wattle Grove and Casula, it is in close proximity to the Liverpool CBD, is bounded by a much valued recreational river to the immediate west, across the river from recreational areas and an Arts facility, and on its southern flank is the 20, 000 hectares of bushland within the Holsworthy Military Training Area.</i></p>	<p>responds to. Accordingly, the Submission item suggests the Legal Advice prepared is incorrect; however, does not accurately comment on the qualitative and quantitative assessment undertaken to justify the Proposal. The legal interpretation is considered appropriate, for which the Planning Report and all consultant reports satisfactorily address the proposed modifications, including potential impacts on the environment and surrounding area. Further consideration is not considered required in this respect.</p>
<p><i>Section 5.7 SEPP 33 Hazardous and Offensive Development</i></p> <p><i>The required SEPP 33 screening test indicate a "significantly large number of small volume transportations of dangerous goods" will occur, storage of aerosols on the site indicate through a hazard analysis that a "fully developed fire" could occur. Given the proximity of this storage site to residential and bushland areas, we doubt, the proponents case, that this will not be hazardous.</i></p>	<p>A fatality risk analysis has been conducted within Section 3.3 of the Dangerous Goods Peer Review prepared by RiskCon Engineering (refer to Appendix 8) for incidents with the potential for offsite impact. The analysis estimated a fatality risk at the Site boundary of approximately 3.54×10^{-6} chances p.a. which is less than the industrial criteria of 50×10^{-6} chances p.a. Furthermore, the analysis showed that the incident propagation contour of 23 kW/m^2 did not impact over the Site boundary and thus the potential for incident propagation would be 0 based upon radiant heat exposure. Further consideration is not considered to be required in this respect.</p>
<p><i>Section 5.8 SEPP 55 Remediation of Land</i></p> <p><i>This site is highly contaminated, and during the recent earthworks phase, there were at least 11 ponds of PFAS requiring treatment. There has been no on-going community consultation by the proponent, that clearly sets out progress in decontamination and no clarification of the de-lined responsibilities and responses of those dual agencies involved in the management of the PFAS: the SIMTA consortium/Qube who lease the site and the federal government who own the site. In seeking information, we have a long un-answered email trail involving the compliance section of the DPIE and the NSW EPA. So, either the NSW government has no appetite for the management of contamination of this site, or any sense of responsibility to inform the interested public of what is being done, in terms of enforcing conditions of consent for prior approvals. We therefore have no trust that an approval of these modifications, will in any way protect the public interest.</i></p>	<p>The submission identifies no direct contextual relationship to the subject Modification Application.</p> <p>The MPW Stage 2 Consent (SSD 7709) Part B Key Environmental Issues includes provisions for contamination and remediation under the <i>Contaminated Land Management Act 1997</i>. This includes (refer to Conditions B161 and B169) the requirement for provision of a Site Audit Statement prepared by a Site Auditor accredited under the <i>Contaminated Land Management Act 1997</i> for the whole site, prepared in accordance with the <i>NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme 2017</i>, which demonstrates the Site is suitable for its intended land uses under SSD 7709 including provisions pertaining to the following:</p> <ul style="list-style-type: none">(a) Importation and placement of fill(b) Construction of a warehouse estate including warehouse buildings

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

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| | <ul style="list-style-type: none">(c) Development of an intermodal terminal, and(d) Protection of the conservation area including riparian corridor and biodiversity offset sites. |
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Accordingly, works would be undertaken in accordance with the Site Audit Statement as required by the existing consent Instrument of Approval.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 11: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
East Liverpool Progress Association	
<p><i>One sad and consequential fact is that there has never been an objective evaluation of the suitability of the site for its proposed development and use. This is due to the fact, explained below, that the MPE and MPW sites have been aligned for or against the interests of a single citizen and his corporate entity(s).</i></p> <p><i>This fact is the historical division of Mr. Chris Corrigan as hero and villain along the major political divide at work in Australia at all levels of government. There is his influence to lawfully advance the idea of Moorebank as a freight intermodal, via Liberal National Party election policy in 2004. There is his presence to stir up the local Labor tribal animosity near Moorebank at that time. With that agitation advancing to a NSW Planning Minister's office to see a Ministerial appointed body of business, industry, union and government appointees give collective approval for MPW to emerge as a Report Recommendation in 2005 to become an Albanese infrastructure project from 2007.</i></p> <p><i>That flow of activism saw the Labor promoted MPW used as a weapon to frustrate the advancement of MPE for almost four years. This was done via the Commonwealth withholding Land Owner Consent for MPE to connect to the freight rail link lines. This was reversed months after the 2013 election win by the LNP. Volumes of FOI documents exhibit prominent business and industry leaders making representations to Labor Ministers / Public Servants, as well as to Prime Minister Gillard, to see her bat them away to an underling.</i></p> <p><i>The Corrigan interests then set about taking full advantage, as a hard-done-by corporate moral right it seems, of maximizing the benefits of the generous outcome granted to them in MPW. Indeed, the Qube Corporate Key Management team was rewarded with \$1.5 million of bonuses in delivering the product.</i></p>	<p>Whilst the adjoining Submission item is comprehensive at length, it also raises no material objections in relation to the specific modifications proposed and is purely made on the basis of what appears to be a personal objectified vendetta against the Applicant. Further consideration is not considered to be required with respect to this Submission item.</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

The upcoming Class 1 Merit Appeal in the NSW Land & Environment Court against MPW's Stage 2 approval will highlight the deficiencies of Moorebank as a suitable site for such a development with its traffic generation and worsening of existing bad air quality. There are other deficiencies, but these two are observable facts. Moorebank, in East Liverpool, is river-bound. It lays in a low river basin where bad air is observable. These facts are empirical, they can be seen, and they are measured.

The origins of Mr. Corrigan's interests in Moorebank was reported as observing these Commonwealth lands from the comfort of his recreational helicopter. He failed to observe the fact that East Liverpool is river bound on three sides, it is bridge reliant, and flood prone. He failed to observe that to its immediate south is the historic inalienable Liverpool Military Area which is aligned to the east side of the Georges River for over 25 kilometres. There are no other roads servicing the whole south west suburban and industrial region. The M5 Motorway is it. It travels due west from the Kingsford Smith Airport, and turns left at Moorebank/Casula to feed the burgeoning far south west of Sydney. East Liverpool is a regional traffic corridor that carries traffic counts that match the Sydney Harbour Bridge and Tunnel. It is already congested. Any new road works will not ameliorate the congestion due to the need for heavy trucks to merge into congested but flowing regional traffic as slow moving vehicles. MPE vehicles are already worsening the congestion in this recognised Traffic Black Spot.

The East Liverpool Progress Association recognises the need for infrastructure to service both public and private industrial requirement. It acknowledges that the public interest requires decisions by Government that affect citizens where they live in marginal locations. Such decisions would need to be based on sound and fair financial analysis. Such analysis needs to be true and open to public scrutiny. In the case of the Moorebank Intermodal, all of those points have failed. There is no published Business Case. It is a fact that the \$1.5 billion of tax payer funded costs did not feed into the final published financial analysis. A false figure has been used by the successive governments to justify dumping a 24 x 7 diesel emitting, noise emitting, light emitting industrial operation within 600 metres of established residential housing.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

These latest Applications- SSD-5066-Mod-2 and SSD-7709-Mod-1 - continues the aforementioned maximization of benefit by the Applicant. Their request represents the worst of corporate values; that enough has to be more and more.

We strongly object to the application, and condemn the behaviour of the applicant and all involved, be it active or in their silence, with the advancement of the Moorebank Intermodal as a project in the public interest. As represented herein its origins were in error by Mr. Corrigan that could have been easily argued in an open forum. Its continuance has been worse than error, to the point of perversion where other agendas were played out across the structures driven by elites in politics, business and the people they employ with fear and plenty of favour. It stands as a sad and costly monument of broken public trust.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2
 Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Table 12: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
Residents Against Intermodal Development (RAID)	
<p><i>Put simply, or put in layman’s terms: Good Public Planning is not to be measured by private profit motivations; and it is not to be assessed solely on what may or may not be legally permissible or legally altered after the fact. NO. Good Public Planning is instead defined by suitability to a locality and based on the net environmental, social and economic impacts to those most affected. More importantly good Public Planning must have strategic value to the Public Good, by responding to the moral and ethical duty the state has for its current and future citizens. That is Us, our families and their healthy, safe and prosperous futures.</i></p> <p><i>A thorough reading of the materials presented by the proponent, in this application, read as follows. ‘We want this, and because we want it, you must give it – and by the way – we’ve added in our own legal advice, so the department best be complicit, and the community best be compliant’.</i></p>	<p>There is no such item within the documentation that states, “we want this, and because we want it, you must give it – and by the way – we’ve added in our own legal advice, so the department best be complicit, and the community best be compliant”.</p> <p>The Legal Advice explored the potential to undertake the Proposal by virtue of a Modification Application, for which it is considered that the subject Modification Application is capable of being approved pursuant to Section 4.55(2) of the EP&A Act. Whilst the proposed increase in building height from 21 m to 45 m for the two (2) Warehouses and Distribution Facilities appears significant when considered in isolation, the character and purpose of the original development (SSD 7709) as a whole will remain unchanged (i.e. a 24/7 operational Warehousing and Distribution Facility), as will the essential feature of the original development (i.e. achievement of a throughput volume of up to 500,000 TEUs).</p> <p>Accordingly, the Planning Report and respective consultant reports reinforce the notion of ‘good public planning’ as the Submission suggests, by analysing the strategic importance and environmental factors associated with both the Subject Site and the modifications proposed.</p> <p>Furthermore, the Submission does not raise any weighted or objectified claims with respect to the proposed modifications, nor does it raise any comments in relation to the material included as part of the Modification Application which require any further consideration by the Applicant.</p>
<p><i>A review of publicly available environmental planning instruments; the development control plan; the regulations; the existing conditions of consent; and the impacts of the development, the subject of these applications, classify them as irrefutably not suitable to this site and are not in the public interest.</i></p>	<p>RAID do not expressly exemplify why the proposed modifications are not suitable to the Site and the public interest. Moreover, the Planning Report and respective Plans and consultant reports consider all applicable Environmental Planning Instruments; the LDCP2008; both the EP&A Act & Regulations; the Conditions of</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Thorough reading of the relevant material identifies that the local social and economic disbenefits are too great and the human, natural and built environments will suffer illogical, preventable and perhaps illegal negative impacts. In particular the proposed development is not fit for purpose and contravenes the conditions of consent. There are extra consequentially adverse impacts to Transport and Traffic access, Air Quality and Noise Pollution across the entire site and region. These being on top of the identified negative impacts of Height of Buildings [HOB], Noise + Light Pollution, Visual Amenity and Dangerous Goods.

Consent pertaining to both SSD 5066 and 7709; and the potential environmental, social and economic impacts as a result of the proposed modifications.

Review of the Submission notes, that “the relevant material identifies that the local social and economic disbenefits are too great and the human, natural and built environments will suffer illogical, preventable and perhaps illegal negative impacts.” This is factually incorrect. The documentation provided outlines the proposal’s compliance (despite the height departure proposed) and consistency with the relevant applicable Policies, Strategies, Development Standards & Controls, as well as existing Conditions of Consent that apply to the Subject Site requiring due consideration.

With respect to specific parameters listed, the following comments are noted as follows:

1. **Traffic:** As confirmed in the *Transport Assessment* prepared by Ason Group (2020), the traffic analysis undertaken indicates that during the standard AM and PM peak hours, the combined facility generates significantly less traffic (light and heavy) than corresponding approved thresholds, demonstrating that whilst the proposal may generate relatively more heavy vehicle traffic across the day compared with the developments assumed under the assessment with respect to **SSD 7709**, for which the proposal’s traffic occurs outside of the critical morning and evening peak hour periods.

Accordingly, the traffic analysis undertaken by Ason Group (2020) demonstrates that the Modification Application would generate traffic volumes that are below the approved traffic generation thresholds that have been previously established and approved under **SSD 7709**. Therefore, the road network – subject to the infrastructure upgrades approved with respect to **SSD 7709** – would operate at a satisfactory Level of Service (LoS).

2. **Air Quality:** As confirmed by Northstar (2020) in their Air Quality Impact Assessment (AQIA), the proposed modifications would not detract or exceed from the air quality emissions criteria established under **SSD 7709**, for which there are no significant changes anticipated to the inputs

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

previously assessed and approved which would result in a material change as proposed under the subject Modification Application. Furthermore, in relation to odour, given the materials to be handled as part of the operational outcomes proposed, the adoption of appropriate waste management practices is anticipated to result in no such odour impacts at the surrounding receptor locations.

3. **Noise:** Further design refinements pertaining to the proposal have also been undertaken, which has resulted in no change in the predicted noise levels for the nearest potentially affected receivers in Casula. The proposal Noise and Vibration Impact Assessment (NVIA) has been revised with the updated noise predictions. Additional predicted noise levels for Glenfield Farm and for the residential receivers in Glenfield have been added to address submission comments, all of which achieve the proposal criteria.

Accordingly, the subject Modification Application has included a revised NVIA (refer to **Appendix 7**) which reviewed in detail, the noise emissions from the current proposal, and the proposed design, which includes feasible and reasonable mitigation measures to account for any project noise emissions as a result of the Proposal.

4. **Visual:** The Visual Impact Assessment report assessed the overall cumulative visual impact of the JR and JN warehouse as moderate / low in year 1 and low in year 10+. It is noted that the Proposal will be largely screened by the proposed landscaping along western boundary when viewed from Casula (year 10+) which is satisfactorily demonstrated within the Landscape Plans for the Site.
5. **Dangerous Goods:** In accordance with the peer review of the PHA prepared by RiskCon Engineering (2020), they note that the analysis undertaken demonstrates that minor incidents relating to retail goods would not result in offsite impacts (refer to **Appendix 8**). Accordingly, based on the analysis conducted, RiskCon conclude that the risks at the Site boundary are not considered to exceed the acceptable risk criteria; hence, the proposed Warehouse and Distribution Facilities would only be classified as potentially hazardous and would be permitted within the IN1 General Industrial zone for the Site.

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

	<p>The proposed modifications to Development Consent SSD 7709 are considered to be of minor environmental impact, given the extent of changes proposed to the approved development. Accordingly, the development as proposed to be modified would remain substantially the same as the original development.</p>
<p><i>RAIDM INC's position has always been and continues to be that the intermodal(s) represent the wrong project in the wrong place, at the wrong time and that the entire 300ha (still has tremendous) potential for integrated land use planning for much needed jobs, homes and public transport on our riverfront.</i></p>	<p>Noted.</p>

Section 4.55(2) – SSD 7709 MOD 1

Proposed Moorebank Intermodal Precinct West – Stage 2

Moorebank Avenue, Moorebank (Lot 1 DP 1197707)

Appendix 1