

# Moorebank Precinct West - Stage 2 Mod 2

Response to Submissions -  
(SSD 7709)



SIMTA

SYDNEY INTERMODAL TERMINAL ALLIANCE

Part 4, Division 4.7, State Significant  
Development

July 2021

## Sydney Intermodal Terminal Alliance

### Moorebank Precinct West Stage 2 Modification 2 Response to Submissions Report – SSD 7709

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## Acronyms, Key Terms and Definitions

Term	Description
Applicant	The Proponent for this Modification - SIMTA
CoC	Condition(s) of Consent
CNVMP	<i>Construction Noise and Vibration Management Plan</i>
CTAMP	<i>Construction Traffic and Access Management Plan</i>
DA	Development application
Developable area	That portion of the MPW Site that excludes the western conservation area, lying to the east of the conservation area and to the west of Moorebank Avenue.
DP	Deposited Plan
DP&E	NSW Department of Planning and Environment (now DPIE)
DPI	NSW Department of Primary Industries
DPIE	Department of Planning, Industry and Environment (formerly DP&E). Includes the EES Group (formerly NSW Office of Environment and Heritage).
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	NSW Environment Protection Authority
IMT	Intermodal freight terminal
IMEX	Import Export (freight facility)
IPC	Independent Planning Commission (formerly the Planning Assessment Commission – PAC)
LGA	Local Government Area
MIC	Moorebank Intermodal Company
MLP	Moorebank Logistics Park – includes MPE development and MPW development.

Term	Description
Modification	MPW Stage 2 Modification 2 – being the subject of this application. Modification seeks to adjust a number of construction related conditions.
Moorebank Precinct	Includes MPE development and MPW development
MPW Development	The development of an intermodal freight facility, associated commercial infrastructure (i.e. warehousing), a rail connection, and associated works as approved by the Concept Plan and Stage 1 Early Works (SSD 5066), MPW Stage 2 (SSD 7709) and MPW Stage 3 (SSD 10431).
MPW Site	Comprises the land to be used for the MPW intermodal terminal, warehouse facilities and supporting infrastructure, a rail connection to the MPE rail link, the Moorebank Avenue/Anzac Road intersection and the conservation area between the developable land and the Georges River.
NIA	<i>Noise Impact Assessment</i>
OEMP	<i>Operational Environmental Management Plan</i>
OOHW	Out of Hours Works
OOHWP	Out of Hours Works Protocol
PAC	Planning Assessment Commission (now the Independent Planning Commission – IPC)
Proponent	SIMTA (Sydney Intermodal Terminal Alliance), otherwise known as the Applicant.
RAID	Residents Against Intermodal Development Moorebank Incorporated
RtS	Response to Submissions. This report has been prepared following the public exhibition of the MPW Stage 2 Modification 2.
SEARs	Secretary’s Environmental Assessment Requirements
SEC	Sediment and erosion controls
SIMTA	Sydney Intermodal Terminal Alliance, the Proponent
SSD	State significant development

Term	Description
SSFL	Southern Sydney Freight Line
TfNSW	Transport for NSW (former NSW Roads and Maritime Services now incorporated into TfNSW)

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# 1. Introduction

Sydney Intermodal Terminal Alliance (SIMTA) (the 'Proponent') are seeking approval for the modification of Moorebank Precinct West (MPW) Stage 2 Development (SSD 7709). This modification application forms the second modification application for this consent (SSD 7709 Mod 2 – herein described as the 'Modification').

The application for the Modification was lodged with the NSW Department of Planning, Industry and Environment (DPIE) 17 May 2021 pursuant to Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify the approved second stage of the MPW development.

The modification document was placed on public exhibition for 14 days (28 May 2021 to 10 June 2021) in accordance with Schedule 1 Clause 10 of the EP&A Act 1979. Relevant stakeholders including the community, community special interest groups and Government agencies were invited to respond. Eleven submissions were received by DPIE, including:

- 7 submissions from Government stakeholders; and
- 4 submissions from the community (including land owners, land occupiers and other members of the public) and community special interest groups.

## 1.1 Purpose of this Report

This Response to Submissions (RtS) report has been prepared in accordance with direction from DPIE by Aspect Environmental on behalf of SIMTA to respond to relevant issues, concerns and comments raised within the submissions. Further clarification and justification for the Modification is provided in this report in accordance with EP&A Act Clause 4.39 as a response to satisfy issues raised by submissions. This report does not directly respond to matters outside of the scope of the Proposal.

An analysis of submissions is provided in Section 3, and responses to submissions are provided in Sections 4 and 5 of this report.

Although further clarification and justification for the Modification has been provided in this RtS as a response to satisfy issues raised by submissions, no further changes were made to the Modification as a result of submissions received.

## 1.2 Modification Overview

The modification application seeks to modify SSD 7709 consent to:

- revise the wording of Condition B2 (g) to require provision of a maintenance access track *where required*, as opposed to continuously along the entire western boundary of the MPW Stage 2 Site;
- allow for material on the MPW Stage 2 Site to be stockpiled at an angle of repose where appropriate, if supported by a suitably qualified geotechnical professional, under Condition B43;
- allow power and drainage infrastructure, supporting the MPW Stage 2 development to be located within the roadway, if agreed to by the relevant road authority, under Condition B87;

- revise the wording of B88 to only require structures for fauna movement to be included in road design when recommended by a Management Plan under Condition B152; and
- amend CoC B135 such that the Out of Hours Works Protocol (OOHWP) may be applied to any out of hours works (OOHW) on the MPW 2 Site (that is not otherwise permissible under CoC B127) – and not just the discrete works packages listed in CoC B135 (g) (being Moorebank Ave/Anzac Rd upgrade, the rail link connection, or rail link possessions).

### 1.3 Benefits of Modification

The benefits and justifications for the Modification were outlined in the modification application document. In summary, benefits and justifications include:

- proposed modifications will align the MPW Stage 2 (SSD 7709) consent with MPE Stage 2 (SSD 7628) consent;
- allowing a consistent approach to the planning and management regime across the MLP Site;
- removal of some identified unnecessary prescription within conditions, thereby allowing for increased flexibility and practical application of conditions;
- facilitation of the efficient progression of construction works and, in the case of the OOHWP, remove an unnecessary degree of approval requirements with the DPIE which could otherwise be satisfied onsite; and
- there is no change proposed to approved construction or operations for the MPW Site.

### 1.4 RtS Content Summary

An overview of the RtS content is summarised below:

Executive Summary: Provides a brief overview of the RtS, identification of key issues, methodology of submission assessment, and details regarding the next steps.

Section 1 - Introduction: Provides an outline of the Modification and relevant objectives and benefits, and an RtS content summary.

Section 2 - Exhibition and consultation: Outlines the consultation process which has been undertaken for the Modification to date.

Section 3 – Overview of submissions: Provides a summary of submissions received.

Section 4 - Responses to government agency submissions: Provides a summary of responses to issues raised in the government agency submissions.

Section 5 - Responses to community organisation and public community submissions: Provides a summary of responses to issues raised in the community organisation and public community submissions.

Section 6 - Conclusions: Provides a summary and conclusions to this RtS.

## 2. Exhibition and Consultation

In preparation of the Modification application, the following consultation was undertaken:

- Scoping meeting with NSW DPIE – Monday 14 December, 2020. This meeting introduced the proposed Modification and informed the Applicant of DPIE expectations in relation to supportive information required. It was also suggested in this meeting that additional consultation should be undertaken with the Environmental Protection Authority (EPA) in relation to proposed changes to Condition B87 and B135 respectively.
- Meeting with EPA – Wednesday 13 January. This meeting discussed the proposed changes to Condition B135 and the application of an OOHWP across the MPW Stage 2 Site. Additionally, proposed changes to CoC B171 were discussed – however, as an outcome of this meeting, proposed changes to CoC B171 were removed from the submitted application.

Following preparation and submission of the Modification application, the document was placed on public exhibition for comment for 14 days between 28 May 2021 and 10 June 2021 in accordance with the EP&A Act. All submissions are available on DPIE's Major Projects website.

## 3. Overview of Submissions

### 3.1 Overview

The primary objective of this RtS is to collate, analyse and respond to submissions received during the public exhibition. An overview of the 11 submissions received from government agencies, community special interest organisations and the community is provided in the sections below.

### 3.2 Submissions Received

Eleven submissions were received by DPIE, including:

- 7 submissions from Government stakeholders, being:
  - Liverpool City Council
  - Roads and Maritime Services (RMS) Division
  - NSW DPIE – Environment, Energy and Science Group (EES)
  - TfNSW
  - EPA
  - Sydney Water
  - Endeavour Energy; and
- 4 submissions from the community including community special interest groups.

Of the 4 public/community submissions received, 3 were from individual members of the public/landowners and one was from a community special interest group known as Residents Against Intermodal Developments Moorebank Incorporated (RAID).

Section 4 and Section 5 provide a summary of the content of each submission received and a response from the Applicant.

## 4. Response to Government Agencies

Seven local and State government agencies provided responses to DPIE as part of the exhibition process for the modification.

Responses to key issues raised by government agencies have been provided in Table 4-1.

Table 4-1: Response to Government Agency submissions

Agency	Matters Raised	Submission Comment / Summary	Response	Reference
Liverpool City Council	NA	Council have commented that they do not have any comments in relation to the application.	NA	NA
RMS (as TfNSW)	Changes to Condition B87	<ol style="list-style-type: none"> <li>The applicant has not provided adequate justification for the relocation of the overhead (33KV) transmission line running along the southern side of Anzac Road.</li> <li>The applicant has not provided a map or plan of the proposed relocation.</li> <li>The proposed relocation of the transmission line on Anzac Road is outside the scope and area of the subject SSD consent.</li> <li>The applicant should provide evidence that Liverpool City Council has given written support of the relocation of the 33KV transmission line on Anzac Road.</li> <li>DPIE needs to be satisfied that the proposed relocation of the 33KV line is permissible under Section 4.55 of the EP&amp;A Act 1979.</li> <li>The Plan provided in Appendix B of the application entitled "Access Masterplan" does not appear to form part of this application and is therefore irrelevant and should be disregarded.</li> </ol>	<p>As outlined in Section 4, Section 5.3 and Section 8 of the modification document, the Applicant is only <i>considering</i> the potential for relocation of the 33 KV transmission line as described. It is understood by the Applicant that this relocation would require relevant design and acceptability processes to be effected, however, the existing CoC B87 is worded in a way that precludes this relocation from being considered.</p> <p>The proposed modification would make drainage and power services able to be considered by RMS in the same manner that drainage infrastructure can be under the present wording of the condition.</p> <p>Modification 2 is <b><i>not</i></b> seeking approval to undertake any such relocation, therefore no assessment, justification or design has been provided. It is only seeking adjustment to the wording of CoC B87 to enable consideration of any such proposal. The condition would maintain the provision that any relocation would require agreement from RMS to enable it to proceed.</p> <p>The Modification does not require DPIE or Council support of the relocation of the 33 KV transmission line, as this is not being sought in the application.</p> <p>As detailed in Section 5.1 of the Modification, Attachment B is relevant to the proposed adjustments to the wording of CoC B2(g) associated with the access maintenance track. It has been included as it demonstrated to DPIE where the access track likely is and isn't necessary. It therefore forms part of the application, but is not relevant to the proposed modification of CoC B87 and was not intended to be.</p>	<p><u>RtS:</u> This table <u>Modification Application:</u> Section 4 Section 5.1 Section 5.3 Section 8 Appendix B</p>

Agency	Matters Raised	Submission Comment / Summary	Response	Reference
NSW DPIE - EES	NA	EES have commented that they do not have any comments in relation to the application	NA	NA
TfNSW	NA	TfNSW has noted that Greater Sydney Division of TfNSW have provided a detailed response and no further comments are therefore provided	RMS (TfNSW) comments are addressed above	As above
EPA	Proposed modification to Condition B135(g) for the OOHWP	<ol style="list-style-type: none"> <li>The EPA does not consider that the justification provided in the Mod 2 report is sufficient to provide a blanket allowance for any works to occur outside standard hours with an OOHWP.</li> <li>Clause 81 of the IPC 'Statement of Reasons for Decision' on MPW Stage 2 (SSD 7709) dated 11 November, 2019 states that it is important to set clear limits on construction hours. It also states that approval could be given to out of hours works in accordance with a protocol approved as part of a CNVMP if further justification is developed at a later time.</li> <li>Clause 91 of the IPC Statement also raised concern regarding the potential traffic noise impacts from out of hours construction works. It states that additional information and justification is required as part of the CTAMP before an extension to hours can be considered.</li> <li>The information provided in Mod 2 report does not provide further information on the need for all activities to potentially be conducted out of hours, nor the potential impact and management of that impact from activities. As such the justification is not sufficient to protect the amenity of</li> </ol>	<p>The Modification 2 document identified a number of reasons justifying the proposed change to CoC B135(g) – being the ability to allow an OOHWP to be applied to works across the greater MPW Stage 2 Site. These reasons (in brief) were:</p> <ul style="list-style-type: none"> <li>improved efficiency in the approval of OOHWP (for which an alternative administrative and less transparent pathway for any works currently exists under B127(c))</li> <li>positive environmental and construction program outcomes</li> <li>the OOHWP (as currently approved) provides reasonable and feasible means by which to assess risk, impact and feasible controls inclusive of approval and consultation steps prior to undertaking OOHWP</li> <li>the change standardises management of OOHWP across the MLP.</li> </ul> <p>Appendix C of the Modification provided the approved OOHWP, as Appendix A of the CNVMP. The OOHWP has been prepared in accordance with the requirements of Condition B136(g), which requires that an OOHWP must include the following:</p> <p>(i) detailed assessment of an OOHWP against the relevant noise management levels and vibration criteria.</p>	<p>RtS: This table <u>Modification Application:</u> Section 5.5 Section 10 (Appendix C)</p>

Agency	Matters Raised	Submission Comment / Summary	Response	Reference
		<p>residents from noise impacts from out of hours works on the MPW Stage 2 Site.</p>	<p>(ii) mitigation measures for residual impacts, including extent of at-receiver treatments.</p> <p>(iii) proposed notification arrangements.</p> <p>Table A-2 of the approved CNVMP provides the effective steps to be undertaken as part of the OOHWP process. This process provides for the consideration, monitoring and modelling (if required), assessment and notification requirements for proposed OOHW. Table A-2 is provided in Attachment A of this RtS for reference and the procedural steps are summarised below.</p> <ol style="list-style-type: none"> <li>1. Identify and justify the proposed OOHW.</li> <li>2. Outline and consider alternatives allowing works to be undertaken within approved construction hours.</li> <li>3. Undertake a Construction Noise and Vibration Impact Statement (CNVIS). This is to be prepared by suitable qualified personnel to assess noise and vibration impacts of proposed activity on surrounding receptors. This step includes completion of modelling and assessment of predicted noise and vibration levels against relevant criteria and an outline of management and mitigation measures required.</li> <li>4. Classification of works as low impact, medium impact or high impact (either with or without negotiate agreement with the community). Classification dictates the approval requirements (no approval, ER approval, DPIE approval).</li> <li>5. Approval for the OOHW is granted.</li> <li>6. Community notification undertaken – in accordance with the Community Communication Strategy.</li> <li>7. Implementation of mitigation and monitoring requirements, in accordance with the CNVIS and for the duration of the OOHW.</li> </ol>	

Agency	Matters Raised	Submission Comment / Summary	Response	Reference
			<p>In the case of importation of fill, it has become apparent that securing supply of material has a dependency on the approval process of OOHWP, presently only available under CoC B127(c). It has been the case in construction works to date that the time involved in obtaining approval from the Planning Secretary for approval of importation of fill out of hours, has compromised the number of sources of fill material being available to the site. This Modification therefore would provide for an efficiency that may avoid this situation, whilst not compromising the level of assessment required.</p> <p>Furthermore, given traffic-related impacts are one of the more sensitive matters for the local community in relation to the MLP, the ability to distribute vehicle movements outside peak periods would have positive outcomes on the local and regional road network – provided noise impacts can be managed (which are proposed to be assessed and determined through the approved OOHWP).</p> <p>The proposed change to B135(g) does not of itself allow for additional OOHWP to be undertaken onsite, or for changes to construction works to take place – it only provides a mechanism that allows an OOHWP to be applied to proposed OOHWP across the MPW Stage 2 Site.</p> <p>It will mean that approval of such works does not necessarily need to be obtained from the Planning Secretary on each occasion. The same level of assessment, justification, monitoring and documentation would be required under the existing approved OOHWP as is currently otherwise required by the consent to inform an approval under B127(c).</p> <p>This modification is not seeking an extension of construction hours, as stipulated in Clause 91 of the IPC statement. Neither the modification document, nor the CTAMP, can provide an exhaustive list of activities likely</p>	

Agency	Matters Raised	Submission Comment / Summary	Response	Reference
			<p>to be undertaken as OOHW and an associated justification. This instead is the function of the existing approved OOHWP.</p> <p>As correctly identified by the EPA, in Clause 81 of the IPC Statement, it states that approval could be given to OOHW in accordance with a protocol approved as part of a CNVMP, if further justification is developed at a later time. This is precisely what is proposed within the present application. The proposed modification seeks to change the wording of Condition B135(g) to allow such a protocol to be applied to any OOHW proposed across the greater MPW Stage 2 site.</p> <p>This process is consistent with the requirements and the intent of the IPC Statement of Reasons. Should modification of Condition B135(g) be approved, the CNVMP would be subsequently amended to include an adjustment to the existing approved OOHWP reflecting this change.</p>	
Sydney Water	NA	Sydney Water have commented that they do not have any comments in relation to the application.	NA	NA
Endeavour Energy	Requirement to comply with provided guidelines and design requirements associated with Endeavour assets	A formal letter of submission was provided by Endeavour Energy (dated 22 June 2021) regarding the Proposal. Subject to development recommendations and comments provided in the letter, Endeavour Energy has no objection to the Proposal.	Endeavour Energy confirmed that the future proposed development of the Precinct for warehousing, distribution and freight terminal is a significant electrical load and will require developers to extend and augment the 11,000 volt / 11 kV high voltage network to facilitate connection, as per Endeavour Energy's normal customer connection processes. The Anzac Village Zone Substation located approximately 580 m to the east at Anzac Road Wattle Grove (Lot 3004 DP 1125930), will supply this additional/new load. Anzac Village Zone Substation has three x 25 megavolt amperes (MVA) transformers which provide a firm capacity of 50 MVA. The load growth on the Anzac Village Zone Substation will be monitored by	NA

Agency	Matters Raised	Submission Comment / Summary	Response	Reference
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Endeavour Energy and augmented as required. Ongoing consultation with Endeavour Energy will continue to be undertaken to address site servicing requirements.

## 5. Response to Community Submissions

Four community submissions were received as part of the exhibition process for the modification. This includes one submission from the RAID community specialist interest group, and two separate submissions provided by the same community member.

Responses to key issues raised in these submissions are provided in Table 5-1.

Table 5-1: Response to community submissions.

Author and Address	Submission Comment / Summary	Response	Reference
Steven Broussos Greenacre, NSW	This will be good for freight movements and jobs in Western Sydney	The submission received is in support of the Modification and correctly identifies the overall benefit of the MLP on movement of freight and employment.  No further response is required	<u>RtS:</u> This table
	This inter-modal terminal should be built to be able to accommodate double-stacked container trains. Even if the current rail line is unable to accommodate such trains, the terminal should be built to be able to accommodate such trains. That way, if the rail line is ever upgraded to double stacked capabilities, the terminal would need not be retrofitted. Further, would it be possible to allow some small container ships to actually pass down the Georges River and load/unload here?	This submission is in support of the Modification.  The Applicant appreciates the support and suggestions put forward in this submission, however, they otherwise fall outside the scope of this specific modification.  No further response is required	<u>RtS:</u> This table
Name withheld Casula, NSW	<ol style="list-style-type: none"> <li>1. The intermodal should be relocated to Goulburn.</li> <li>2. It should not have been built in a residential area – bush should have been retained for residents.</li> <li>3. Roads and traffic are a mess.</li> <li>4. All construction should cease immediately - no more modifications or amendments to anything. This proposal seeks modifications that should have been spelt out in the beginning. They deliberately do this and start and want additional changes once they start the project</li> <li>5. The intermodal has not created jobs. Trucks are noisy and dangerous.</li> </ol>	<p>This submission predominately speaks to a general opposition to the MLP development as a whole, which is an approved SSD development, and so is not considered relevant to this specific modification.</p> <p>The modifications sought do not change the nature, scale or extent of the approved development.</p>	<u>RtS:</u> This table Modification Document: Section 5, 6 and 7
RAID (represented by John Anderson) Wattle Grove, NSW	<ol style="list-style-type: none"> <li>1. Exhibition finishing was inappropriate as it was to coincide with a pre-trial hearing case for the current appeal.</li> <li>2. Residents have been ignored for the last 15 months. Residents have no rights to express anger and frustrations.</li> <li>3. Development is adding to traffic and pollution of the area.</li> </ol>	<p>This submission predominately speaks to a general opposition to the MLP development as a whole, which is an already approved SSD development, and so is largely not considered relevant to this specific modification.</p> <p>The exhibition period for this modification was 14 days, in accordance with provisions of the EP&amp;A Act 1979. The commencement and concluding date for exhibition was set</p>	<u>RtS:</u> This table Modification Document: Section 5, 6 and 7

Author and Address	Submission Comment / Summary	Response	Reference
	<ol style="list-style-type: none"> <li>4. Site should be devoted to a more sustainable development.</li> <li>5. Request a re-think for plans of the area.</li> </ol>	<p>by NSW DPIE based on when the modification document was submitted by the Applicant and is independent of any other proceedings or processes associated with the MLP.</p> <p>The exhibition period presented the opportunity for the community to make submissions and all received submissions have been considered and addressed within this RtS.</p> <p>The modifications makes no change to the nature, scale or extent of the approved development. There will be no impact on traffic volumes.</p>	

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## 6. Conclusion

SIMTA is seeking approval for MPW Stage 2 Mod 2, which includes the following key components:

- Revise the wording of Condition B2(g) to require provision of a maintenance access track *where required*, as opposed to continuously along the entire western boundary of the MPW Stage 2 Site.
- Allow for material on the MPW Stage 2 Site to be stockpiled at an angle of repose where appropriate, if supported by a suitably qualified geotechnical professional, under Condition B43.
- Allow power and drainage infrastructure, supporting the MPW Stage 2 development, to be located within the roadway, if agreed to by the relevant road authority, under Condition B87.
- Revise the wording of B88 to only require structures for fauna movement to be included in road design when recommended by a Management Plan under Condition B152.
- Amend CoC B135 such that the current approved OOHWP may be amended for application to any out of hours works (OOHW) on the MPW 2 Site (that is not otherwise permissible under CoC B127) – and not just the discrete works packages listed in CoC B135(g) (being Moorebank Ave/Anzac Rd upgrade, the rail link connection, or rail link possessions).

The Modification was publicly exhibited for comment for 14 days between 28 May 2021 and 10 June 2021 in accordance with the EP&A Act Schedule 1 Clause 10.

Eleven (11) submissions were received during (and following) the exhibition period, being

- 7 from government agencies; and
- 4 from members of the public and community organisations.

Of these submissions:

- 4 of the government agency submissions were acknowledgement of the notification of the Modification and no further comments provided;
- 1 of the government agencies (Endeavour Energy) provided general comments in relation to general development recommendations and design requirements.; and
- 2 of the public comments were from the same community member and in support of the modification.

The remaining 2 government agency submissions, provided by RMS/TfNSW and EPA, raised questions in respect of the proposed changes to Condition B87 and B135(g) respectively. Responses to these submissions have been included within this RtS document.

The remaining 2 public comments, provided by an anonymous community member and the community organisation RAID, provided submissions in opposition to the MLP development in general – rather than the specifics of the Modification 2 application.

Where required, further clarification and justification for the Modification has been provided in this RtS as a response to satisfy issues raised by submissions. No further changes were made to the Modification.

7. Attachment A – OOHWP (taken from MPW Stage 2 CNVMP,  
January 2020)

Table A-2 – OOHW Protocol

No.	Step	Detail
1	Work Identification	<ul style="list-style-type: none"> <li>Identify work activities requiring OOHW and when the work will occur.</li> <li>Identify the reason why OOHW are needed; does the work proposed need to be completed outside the approved hours of construction or can it be rescheduled for standard working hours.</li> <li>If the OOHW are essential to the Project, or are required due to exceptional circumstances, prepare and document a justification for the works.</li> </ul>
2	Assess Alternatives	<p>Assess alternate options that may allow construction to be undertaken within approved hours such as:</p> <ul style="list-style-type: none"> <li>Using alternate equipment</li> <li>Different construction methods, or</li> <li>Postponing scheduled works.</li> </ul> <p>If no other options are considered practical, consult the Contractor's EM and document, using an Out of Hours form (developed by the Construction Contractor) to provide a description of the works, the expected duration, a list of all noise generating plant, equipment and machinery in use, activities to be undertaken, and all potential mitigation and management measures considered.</p>
3	Undertake CNVIS	<p>If no alternate options are available / viable, the activity is to be assessed for noise and vibration impacts on the surrounding receptors via a Construction Noise and Vibration Impact Statement (CNVIS) prepared by suitably qualified personnel, taking into account all proposed noise and vibration mitigation measures. The CNVIS will:</p> <ul style="list-style-type: none"> <li>Identify the closest and/or potentially most affected receptors situated within the potential area of influence of the works;</li> <li>Consider cumulative impact from other out of hours works within the Moorebank intermodal precinct proposed to be conducted simultaneously;</li> <li>Predict noise and vibration levels based on the NVIA scenarios or via modelling (or spreadsheet calculation) for new scenarios;</li> <li>Compare the predicted values to the noise and vibration management levels;</li> <li>Provide a list of necessary mitigation and management measures that will be required to be implemented.</li> </ul> <p>Predictions will account for particularly annoying (tonal, low frequency content or impulsive) work activities by applying a 5 dB(A) penalty to the values for particularly annoying activities.</p> <p>Predictions will account for all potential noise and vibration mitigation and management measures by applying a deduction to the values assessed above for the noise reducing measures that will be implemented.</p> <p>Predictions will be provided to assess potential sleep disturbance impacts, if anticipated.</p> <p>General activities which are inaudible at receptors, including (but not limited to), security operations, monitoring, survey, refuelling, low noise plant maintenance, general site maintenance will not require a CNVIS.</p>
4	Low Impact Works	<p>If the CNVIS shows that construction works outside standard hours will not generate <math>L_{Aeq, 15 \text{ minute}}</math> noise levels more than 10dB below the rating background level at sensitive receivers, the activity will be considered inaudible. Where works are inaudible at the nearest sensitive receivers and vibration levels will not exceed those stipulated by Table 2.2 and Table 2.4 of Assessing Vibration: A Technical Guide (DECC 2006), the works will be considered to have low impact. The ER will be provided with the OOHW review for information.</p>

No.	Step	Detail
5	Medium Impact Works	<p>If the CNVIS shows that construction works out of standard hours will generate <math>L_{Aeq, 15 \text{ minute}}</math> noise levels not more than 5 dB above the rating background level at sensitive receivers and will comply with the NML and Vibration Management Level (VML), the activity will be considered medium impact and referred to the ER for review and approval.</p> <p>In referring the approval to the ER, the Construction Contractor will:</p> <ul style="list-style-type: none"> <li>• Demonstrate the requirement for activities to be conducted outside the approved standard construction hours</li> <li>• Summarise the findings of the CNVIS assessment, and</li> <li>• Detail the mitigation measures to be implemented for the specific OOHW.</li> </ul> <p>Where the nature of the activity, the likely impacts and the proposed management measures are considered acceptable by the ER, works may proceed when the ER and Principal's Representative approval is received.</p>
6	High Impact Works Negotiated agreements achieved with the community	<p>If the CNVIS shows that construction works will exceed NML and/or VML, the activity will be considered high impact and, if negotiated agreements <b>have</b> been reached with affected receivers, referred to the ER for review and approval.</p> <p>In referring the approval to the ER, the contractor will:</p> <ul style="list-style-type: none"> <li>• Demonstrate the requirement for activities to be conducted outside the approved standard construction hours;</li> <li>• Summarise the findings of the CNVIS assessment;</li> <li>• Detail the mitigation measures to be implemented for the specific OOHW; and</li> <li>• Detail the negotiated agreements agreed with the community.</li> </ul> <p>Where the nature of the activity, the likely impacts and the proposed management measures are considered acceptable by the ER, works may proceed when the ER and Principal's Representative approval is received.</p>
7	High Impact Works Negotiated agreements <u>not</u> achieved with the community	<p>If the CNVIS shows that construction works will exceed NML and/or VML, the activity will be considered high impact and, if negotiated agreements have not been reached with affected receivers, an updated Out of Hours Works Protocol will be developed and referred to DP&amp;E, for review and approval.</p> <p>In referring the approval to DP&amp;E, the contractor will:</p> <ul style="list-style-type: none"> <li>• Demonstrate the requirement for activities to be conducted outside the approved standard construction hours</li> <li>• Summarise the findings of the CNVIS assessment;</li> <li>• Detail the mitigation measures to be implemented for the specific OOHW; and</li> <li>• Detail why the negotiated agreements were not agreed with the community.</li> </ul> <p>When referring the application to DP&amp;E the ER will provide a summary of the issues and provide a recommendation to be considered by DP&amp;E.</p> <p>Up to 4 weeks (20 business days) will be allowed for DP&amp;E to review the updated OOHW Protocol.</p>
8	OOHW Approval	OOHW will not commence until approval is granted in accordance with items 5, 6 or 7 (whichever is applicable)
9	Community Notification	<p>Community notification will be undertaken in accordance with the Community Communication Strategy.</p> <p>OOHW which are low impact will not require notification to be distributed to receptors potentially affected by the works except for specific circumstances outlined in section 3.3.2 of the CCS. Where appropriate, and to be determined on a case by case basis, the use of alternative communication methods (i.e. Variable Message Signage) may be employed.</p> <p>OOHW which are medium and high impact will require notification to be distributed to receptors potentially affected by the works. A notification boundary will be established on a case by case basis in consultation with the Principal's Representative.</p> <p>Notification will be made to the agreed area at least 14 days prior to the commencement of works which may impact the community or stakeholders. The Project website will be updated with relevant information to further notify the community and stakeholders.</p>

No.	Step	Detail
10	Mitigation and Monitoring	<p>Reasonable and feasible mitigation measures will be implemented during OOHW for the duration of the Project.</p> <p>Attended noise monitoring will be undertaken during OOHW and in accordance with other project or environment protection licence requirements.</p> <p>Monitoring will provide comparison the applicable CNVIS to verify that noise levels comply with those predicted in the CNVIS. Where noise (or vibration) levels are observed to continually exceed those outlined in the activity specific CNVIS, works shall stop and alternate methods and mitigation measures investigated and implemented.</p> <p>Noise and vibration monitoring will be undertaken by suitably qualified personnel, including professionally trained and experienced environmental staff and noise consultants where deemed necessary.</p>

## A.5 Noise Mitigation to be Considered for OOHW

Noise and vibration mitigation measures for OOHW in addition to the general management measures detailed in Section 4.5 of the CNVMP will be considered. These will be considered on a case by case basis and nominated where reasonable and feasible, dependent upon the outcomes of the CNVIS:

- All plant to be well maintained and fitted with noise mufflers, engine hoods or similar
- Timetabling noisiest activities to occur at the least sensitive times i.e. in the evening as opposed to night, or mid-morning as opposed to first thing in the morning
- Using spotters, closed circuit television monitors, "smart" reversing alarms, or "squawker" type reversing alarms in place of traditional reversing alarms
- Mitigation of specific noise sources using portable temporary screens or enclosures, where practicable and safe
- Turning off plant and equipment when not in use
- Carrying out loading and unloading away from sensitive receivers, where practicable
- Avoid dropping materials from a height
- Timetabling OOHW at locations with the furthest distance from sensitive receivers
- Substituting noisy/vibration intensive equipment with less intrusive types
- Maximising the offset distance between noisy plant items and sensitive receivers
- Avoiding using noisy plant simultaneously and / or close together, adjacent to sensitive receivers, where practicable
- Orienting equipment away from sensitive receivers, where practicable
- Using noise source controls, such as the use of residential class mufflers, to reduce noise from all plant and equipment including cranes, graders, excavators and trucks
- Selecting plant and equipment based on noise emission levels.