



Ms Dianne Leeson  
Chair, Independent Planning Commission Panel  
Level 3, 201 Elizabeth Street  
Sydney NSW 2000

via email

*Dianne*  
Dear Ms Leeson

**Subject: Moorebank Precinct West MOD 1 and Stage 2**

Reference is made to inquiries by the panel's Planning Officer, David Way, seeking information on:

- assessment material which illustrates the difference between the Applicant's and Department's definition of riparian vegetation, and in particular establishment of the 'top of bank'
- the inclusion of earthworks and fill importation in the definition of "construction".

Please find attached memorandums providing the Department's response to these matters.

Yours sincerely,

*David Gainsford*

David Gainsford

*12/7/19.*

**Executive Director  
Infrastructure Assessments**

# MPW Concept MOD 1 and Stage 2

## Response to IPC - riparian corridor width

### IPC Inquiry

This memorandum has been prepared in response to the IPC's inquiry by email dated 2 July 2019 regarding the:

- difference between how the Applicant and the Department are defining riparian vegetation (in particular with the establishment of "top of bank"), and specifically with regard to defining the vegetation towards the north of the site.
- location of information in the Assessment material or the Department's assessment which would articulate what the physical area of this difference would be.

### Department's Response

- As part of the MPW Stage 2 assessment, the Department requested a drawing by a registered surveyor showing the location of top of bank along the Georges River. The Applicant's response can be found in Appendix Q, MPW Stage 2 Consolidated assessment clarification responses, "MPW Stage 2 - Riparian Corridor measurements".
- The conditions of approval do not define the term 'top of bank' and the Natural Resources Access Regulator (NRAR) (author of the 2018 Department of Industry *Guidelines for controlled activities on waterfront land Riparian corridors*) could not provide the Department with a definitive description.
- Note that the NRAR guidelines and previous DPI Water (2012) guidelines do not permit basins for water quality treatment purposes in the riparian corridor.
- The Department raised concerns that the Applicant's definition of the top of bank as a point 4 m inland ("Top of River Bank – Typical Flow"), measured horizontally from the water's edge at "Mean Water Level – Typical Flow" as estimated from Nearmap (see Figures 1-4 in Appendix Q) would not provide a sufficiently wide vegetated buffer to:
  - maintain or improve bank stability and the ecological functions of the Georges River riparian corridor, or
  - in some locations, encompass the 1% AEP flood extent which is a constraint to development.
- Figure 1 in Appendix Q shows that the 1% AEP flood extent is inland of the Applicant's "Top of River Bank – Typical Flow" at the northern end of the site, and Figure 4-1 from Appendix R, MPW Stage 2 EIS (included as Figure 13 in the Department's Mod 1 Assessment Report) notes intrusion of OSD basin 6 into the mapped 1% AEP flood extent.
- As noted in Section 6.3.1, the Department has attempted to take a pragmatic approach to ensure the protection, restoration or rehabilitation of riparian vegetation and to take into account flooding constraints. The Department considered the most practical way to define the riparian corridor width was by:
  - (i) a buffer zone to the most inland of:
    - 40 metres from the top of bank, as surveyed by a registered surveyor, or
    - the 1% AEP flood extent, excluding the localised depression at the existing major east-west drainage channel, and
  - (ii) an additional 10 metre extension to the buffer zone established in (i) above, where native vegetation is located on or within 10 metres east of the buffer.

# MPW Concept MOD 1 and Stage 2

Response to IPC – earthworks and fill importation

## IPC Inquiry

This memorandum has been prepared in response to the IPC's inquiry by phone on 8 July 2019 regarding the inclusion of earthworks and fill importation in the definition of "construction" which triggers submission and approval of environmental management plans and some design drawings.

## Department's Response

The Department considered that, due to the magnitude of fill importation and extent of earthworks, a Construction Environmental Management Plan (CEMP) was required to manage key issues including:

- high heavy vehicle movements for fill importation (estimated at 1480/day) over an extended period (6 to 9 months)
- dust, erosion and sedimentation risks given the 220 ha site's proximity to the Georges River, Anzac Creek and residential areas
- noisy activities such as unloading fill (tail gate banging) and crushing oversized material
- protection of threatened fauna due to clearing all vegetation within the developable area.

The Department did, however, consider that some site preparation activities were essential or posed a low risk and could be undertaken prior to commencement of construction, namely:

- clearing areas of remnant vegetation to complete site remediation under MPW Stage 1 in accordance with activity specific environmental management plans
- importation and stockpiling of 160,000 m<sup>3</sup> of fill in previously cleared areas.

The Department's recommended conditions include flexibility to stage the submission and approval of environmental management plans and design drawings except for those relating to key issues that require resolution prior to fill placement and establishment of the new landform, including:

- any site infrastructure required for the long-term management or monitoring of PFAS contaminated groundwater
- defining the location of the inland extent of the riparian corridor along the Georges River
- provision of adequate area outside the riparian corridor for stormwater treatment and detention, noting that the Department has recommended detailed design criteria to achieve Water Sensitive Urban Design (WSUD)
- clarification on how stormwater detention and treatment would be integrated across the Moorebank Intermodal Precinct and on adjacent lands as the MPW Stage 2 application includes:
  - constructing an OSD basin on the western side of Moorebank Avenue to take stormwater from MPE
  - replacing the main east-west open channel on the MPW site with a covered culvert, noting that the approved MPE Stage 2 Precinct 1 (Target Development) OSD basin discharges to this channel with stormwater treatment via an adjacent raingarden
  - altering overland flow paths with the potential to result in adverse flooding impacts on the adjacent ABB site which would be up to 3 m below the filled MPW site
  - utilising an existing M5 Motorway stormwater detention basin
  - new outlets to the Georges River which would potentially require scour protection on Crown land.