

## **APPENDIX B    RECOMMENDED INSTRUMENT OF MODIFICATION**

---

The recommended conditions of consent can be found on the Department of Planning and Environment's website as follows.

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8149](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8149)



# Notice of Modification

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

### Member of the Commission

Sydney

2017

---

### SCHEDULE 1

**Development Approval:** **MP10\_0193** granted by Planning Assessment Commission on 29 September 2014

**For the following:** The Concept Plan involves the use of the site as an intermodal facility, including a rail link to the Southern Sydney Freight Line within an identified rail corridor, an upgrade of Moorebank Avenue, warehouse and distribution facilities, freight village (including ancillary site and operational services), stormwater, landscaping, servicing, and associated works.

**Applicant:** Sydney Intermodal Terminal Alliance (SIMTA)

**Consent Authority:** Minister for Planning

**The Land:** Intermodal and warehousing site: Land generally described as being located on the eastern side of Moorebank Avenue, between Anzac Road and the East Hills Passenger Line, Moorebank (Lot 1 in DP 1048263, Lot 3002 DP 1125930, Lot 4 DP 1197707);

Moorebank Avenue: Land described as Moorebank Avenue generally between the Anzac Road/Moorebank intersection to approximately 200 metres south of the intermodal site (Lot 1 DP 1197707 and Lot 2 DP 1197707)

Rail corridor: Land generally described as being located between the intermodal and warehousing site and the East Hills Passenger Line to the south, part of the East Hills passenger Line/Commonwealth Land to the southwest, and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:

- Lot 3001 DP 1125930
- Lot 52 DP 517310
- Lot 1 DP 825352
- Lots 101 – 104 DP 1143827
- Lot 2 DP 825348
- Lot 91 DP 1155962
- Lots 1 & 2 DP 1061150
- Lot 4 DP 1130937
- Lot 1 DP 712701
- Conveyance Book 76 Number 361
- Lots 5 – 7 in DP 833516
- George's River, Crown Land
- Lot 51 in DP 515696
- Crown Road
- Lot 1 DP 1130937
- Public road reserve of Moorebank Avenue (north of Anzac Road)

**Modification:**

**MP 10\_0193 MOD 2:** the modification includes:

- increase of the MPE site area and amend the site boundary to include works on Moorebank Avenue and drainage works
- reconfiguration of internal road layouts and use of all internal roads by both light and heavy vehicles
- importation of approximately 600,000 m<sup>2</sup> of clean fill for bulk earthworks within the site and part of Moorebank Avenue
- revised warehousing and freight village locations and layouts
- revision of the proposed staging of the project.

---

**SCHEDULE 2**

The above approval is modified as follows:

1. In Schedule 1, amend the section **Land** to:

**Land**

Intermodal and warehousing site: Land generally described as being located on the eastern side of Moorebank Avenue, between Anzac Road and the East Hills Passenger Line, Moorebank (Lot 1 in DP 1048263, Lot 3002 DP 1125930, Lot 4 DP 1197707);

Moorebank Avenue: Land described as Moorebank Avenue generally between the Anzac Road/Moorebank intersection to approximately 200 metres south of the intermodal site (Lot 1 DP 1197707 and Lot 2 DP 1197707);

Rail corridor: Land generally described as being located between the intermodal and warehousing site and the East Hills Passenger Line to the south, part of the East Hills passenger Line/Commonwealth Land to the southwest, and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:

- |                           |   |
|---------------------------|---|
| - Lot 3001 DP 1125930     | - Lot 52 DP 517310  |
| - Lot 1 DP 825352         | - Lots 101 – 104 DP 1143827                                     |
| - Lot 2 DP 825348         | - Lot 91 DP 1155962   |
| - Lots 1 & 2 DP 1061150   | - Lot 4 DP 1130937  |
| - Lot 1 DP 712701         | - Conveyance Book 76 Number 361                                 |
| - Lots 5 – 7 in DP 833516 | - George's River, Crown Land                                    |
| - Lot 51 in DP 515696     | - Crown Road  |
| - Lot 1 DP 1130937        | - Public road reserve of Moorebank Avenue (north of Anzac Road) |

2. In Schedule 1, amend the section **Project** to:

**Project**

The Concept Plan involves the use of the site as an intermodal facility, including a rail link to the Southern Sydney Freight Line within an identified rail corridor, an upgrade of Moorebank Avenue, warehouse and distribution facilities, freight village (including ancillary site and operational services), stormwater, landscaping,

servicing, and associated works.

3. In Schedule 1, Definitions, delete the definitions of DPI, MIT, NOW, and Proposal, and insert the following definitions in alphabetical order:

<b>DPI</b>	Department of Primary Industries, including DPI Water and DPI Fisheries
<b>MIT</b>	Proposed Moorebank Intermodal Terminal (Moorebank Precinct West)
<b>Proposal</b>	SIMTA Moorebank Precinct East Intermodal facility
<b>Threatened Flora Species</b>	Species listed under the <ul style="list-style-type: none"> <li>• NSW Biodiversity Conservation Act 2016 in Schedules 1 Threatened Species and Schedule 3, Part 1 Extinct Species</li> <li>• NSW Fisheries Management Act 1994</li> <li>• Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</li> </ul>

4. In Schedule 2, replace references to Office of Water with references to DPI.

5. In Schedule 2, delete terms of approval 1.1 and 1.2 and insert the following:

1.1 The Concept Plan approval shall be undertaken generally in accordance with:

- a) Major Project Application 10\_0193;
- b) the *Environmental Assessment SIMTA Sydney Intermodal Terminal Alliance Part 3A Concept Application*, Volumes 1-4, prepared by Urbis and dated March 2012
- c) the *Environmental Assessment SIMTA Sydney Intermodal Terminal Alliance Transitional Part 3A Concept Application*, Volumes 1-4, prepared by Urbis and dated August 2013;
- d) the *SIMTA Sydney Intermodal Terminal Alliance Submissions Report*, prepared by Urbis and dated December 2013;
- e) the modification request MP 10\_0193 MOD 1 with supporting documents titled *Concept Plan Approval (MP10\_0193) Modification* (including the Revised Statement of Commitments), prepared by Hyder and dated May 2015;
- f) the modification request MP10\_0193 MOD 2 with supporting documents titled *Moorebank Precinct East - Concept Plan Modification 2 (MP10\_0193\_MOD2)* prepared by Arcadis and dated November 2016;
- g) the document titled *Moorebank Precinct East - Concept Plan Modification 2 Response to Submissions SSD 16\_7628 MOD2* prepared by Arcadis and dated August 2017;
- h) the document titled MPE Concept Plan Mod 2 (MP10\_0193MOD2) – Consolidated assessment clarification responses, prepared by Arcadis and dated November 2017; and
- i) the terms of this approval.

1.2 In the event of an inconsistency between:

- a) the terms of this Concept Plan approval and any document listed from term 1a) to 1h) inclusive, the terms of this Concept Plan approval shall prevail to the extent of the inconsistency; and
- b) any document listed from terms 1a) to 1h) inclusive, and any other document listed from terms 1a) to 1h) inclusive, the most recent document shall prevail to the extent of the inconsistency.

6. In Schedule 2, delete terms of approval 1.6-1.9 and insert the following:

1.6 Projects carried out under this this Concept Plan must be operated with the objective of not exceeding the capacity of the transport network, including the local, regional and State road network. The container freight road volume must

not exceed 250,000 TEUs p.a, subject to the exception identified in 1.7, which may only be considered after the facility has been in operation.

1.7 The movement of container freight by road may exceed the 250,000 TEU p.a limit by up to a further 250,000 TEU p.a, if the consent authority of a subsequent Development Application is satisfied that traffic monitoring and modelling of the operation of the facility demonstrate that traffic movements resulting from the proposed increase in TEU will achieve the objective of not exceeding the capacity of the transport network.

1.8 In determining the TEU limit, the consent authority may take account any roadworks or mitigation measures proposed, including the measures listed in the Revised Statement of Conditions included in the document listed in 1.1g).

Assessments at the development application stage will determine the nature and timing of road infrastructure upgrades. These may prove to be different from what is proposed in the documents listed in 1.1a) to 1.1g).

7. In Schedule 2, delete term of approval 1.10 and insert the following:

1.10 Building footprints/setbacks and building/structure heights are to be generally consistent with Section 04.5 and 04.6 of the Urban Design and Landscape Report (Appendix E of the EA).

Assessments at the development application stage will determine the final Building footprints/setbacks and building/structure heights. These may prove to be different from what is shown in Section 04.5 and 04.6 of the Urban Design and Landscape Report (Appendix E of the EA).

8. In Schedule 3, Future Assessment Requirements 2.1, under the section titled **General Requirements**, delete the following:

Note: Soil and water must be addressed in the Stage 1 Development Application for the entire site including rail link.

9. In Schedule 3, Future Assessment Requirements 2.1, under the section titled **Traffic and Transport**, delete:

Any future Development Application shall include a Traffic Impact Assessment that assesses intersection and road network impacts, including impacts on Cambridge Avenue. The traffic assessment shall:

and insert:

Any future Development Application shall include a Traffic Impact Assessment that assesses site access, intersection and road network impacts, including impacts on Cambridge Avenue. The traffic assessment shall:

10. In Schedule 3, Future Assessment Requirements 2.1, under the section titled **Traffic and Transport**, delete:

In particular, the Traffic Impact Assessment must identify upgrades and other mitigation measures required to achieve the objective of not exceeding the capacity of the the following intersections and roads –

and insert:

In particular, the Traffic Impact Assessment must identify upgrades and other mitigation measures required to achieve the objective of not exceeding the capacity of the following intersections and roads:

11. In Schedule 3, Future Assessment Requirements 2.1, under the section titled **Traffic and Transport**, at the end of the section insert the following:

Any future Development Application for new or modified traffic control signals for the MPE project will require consent from Roads and Maritime Services in accordance with Section 87 of the *Roads Act 1993*. The proponent will be required to enter into a Works Authorisation Deed with Roads and Maritime Services for new or modified traffic control signals.

Any future Development Application for the design of the proposed upgrade and widening works along Moorebank Avenue, including the raising of Moorebank Avenue, is to provide that that design requires approval by Roads and Maritime Services, TfNSW, and other relevant agencies. The proponent will be required to enter into a Works Authorisation Deed with Roads and Maritime Services for proposed road works on Moorebank Avenue.

Any future Development Application is to ensure that the existing use of Moorebank Avenue as a public road is to a standard commensurate to its current use prior to the development. A staging plan and Construction and Traffic Management Plan shall be submitted for review and approval to Roads and Maritime Services and TfNSW prior to construction works commencing, to ensure adequate capacity including a requirement to maintain at least two lanes open to traffic along Moorebank Avenue at all times.

12. In Schedule 3, Future Assessment Requirements 2.1, under the section titled **Noise and Vibration**, delete the following:

Any future Development Application shall include an updated assessment of noise and vibration impacts. The assessment shall:

and insert:

Any future Development Application shall include an updated assessment of noise and vibration impacts.
13. In Schedule 3, Future Assessment Requirements 2.1, under the section titled **Soil and Water**, delete the following:

Any future Development Application for stage 1 shall include an assessment of soil and water impacts. The assessment shall:

and insert:

Any future Development Application shall include an assessment of soil and water impacts. The assessment is to, where relevant:
14. In Schedule 3, Future Assessment Requirements 2.1, under the section titled **Soil and Water**, delete the following:
  - iii. consideration of implications of proposed remediation actions on the project design and timing; and
  - iv. a Phase 2 environmental site assessment of the project site including rail corridor.and insert:
  - iii. consideration of implications of proposed remediation actions on the project design and timing; and
  - iv. a Phase 2 environmental site assessment of the project site including rail corridor; and

(e) include measures to manage dust from imported fill and ensure only VENM or ENM is imported to the site.
15. In Schedule 3, Future Assessment Requirements 2.1, delete the section titled **Visual Amenity, Urban Design and Landscaping**, and insert the following:

**Visual Amenity, Urban Design and Landscaping**

Any future Development Application shall include an assessment of visual impacts. The assessment shall:
  - a) include a description of the visual significance of the affected landscape;

- b) assess the visual impact of the project on the landscape character of the area, including built form (materials and finishes) and the urban design (height, bulk and scale) of key components including container stacking heights, lighting, bridge crossings, and views to and from the project that result from the filling of the site; and
  - c) include details of hard and soft landscaping treatment and design (including proposed road upgrades relevant to that stage and reinstatement of riparian vegetation);
  - d) include details of treatments, screening and other mitigation measures proposed to be implemented to minimise impacts resulting from importation of fill.
16. In Schedule 3, Future Assessment Requirements 2.1, under the section titled **Biodiversity**, delete paragraph (c) and insert the following:
- c) document how (direct and indirect) impacts on threatened flora species have been minimised through the detailed design process;
17. In Schedule 3, Future Assessment Requirements 2.1, under the section titled **Hazards and Risk**, delete paragraph (a) and insert the following:
- a) Estimate the risks from the facility (including each component of the facility following subdivision);
18. In Schedule 3, Future Assessment Requirement 2.1, under the section titled **Freight village**, delete paragraphs (d) and (e), and insert the following:
- d) Signage;
  - e) Parking (staff and visitor); and
  - f) Demonstration that the use is ancillary to the functioning of the intermodal development or has a nexus to the intermodal development on site.
- d) In Schedule 3, Future Assessment Requirements 2.1, between the sections title **Bushfire Management** and **Warehousing and Distribution**, insert the following:

#### **Subdivision**

Any future Development Application shall:

- a) provide a subdivision plan and supporting documentation detailing all common land, access roads and services including drainage works required to maintain internal connections and interdependencies between the individual intermodal functions within the development site;
- b) identify the entity(s) responsibility for the delivery and ongoing maintenance within the intermodal estate of site services, internal roads, pedestrian paths, landscaping, lighting of common areas, emergency services including bushfire mitigation, OSD and Water Sensitive Urban Design elements; and
- c) provide details of the overarching operational management of the site following subdivision.

#### **Warehousing and Distribution**

Any future Development Application must demonstrate how compliance with condition 1.12 in Schedule 2 will be achieved.

### **End of Modification**