



Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

12 December 2016

Dear Ms McNally

**Subject: Determination of Modification Application – SIMTA Intermodal Facility Concept Plan MP 10\_0193 MOD 1**

I refer to the Department's letter, received by the Commission on 12 January 2016 referring the above modification application to the Planning Assessment Commission for determination under Ministerial delegation of 14 September 2011 as Liverpool City Council (Council) raises objections. The Commission cannot determine the application without consent of all the landowners on whose land the development would take place. The Commission identified the absence of owners consent upon receipt of the application early in 2016.

The Commission subsequently received owner's consent on 7 December 2016.

Ms Lynelle Briggs AO nominated me to constitute the Commission to consider and determine the application.

The application seeks approval for the following modifications:

- Include three additional land parcels within Schedule 1 of the Concept Plan Approval to enable the site to connect to utilities;
- Update condition 1.8 and delete condition 1.9 in Schedule 2 of the Concept Plan Approval to remove the requirement for SIMTA to enter into a Voluntary Planning Agreement (VPA) in relation to possible changes to the 901 bus route prior to the determination of any future development application; and
- Remove the 'Infrastructure Delivery' section of the revised Statement of Commitments (SoC).

The Commission notes that the modification includes land described as 'rail corridor' as specified within Schedule 1 of the Concept Plan Approval. The Commission is in agreement with the Department's findings that the addition of three land parcels is acceptable given the negligible change to the Concept Plan Approval.

Council objects to the proposed modifications to conditions 1.8 and 1.9 of Schedule 2 as it would result in cost implications for the government. I note that in accordance with Planning Circular 2008-017, the current infrastructure contribution framework does not allow government to levy contributions related to bus services. As such, the government must bear the costs of bus service provision. The proposed modifications enable the conditions to be updated in accordance with the current planning framework.

The modifications to the revised SoC remove the requirement for SIMTA to enter into a VPA with the relevant authority to facilitate the delivery of certain works prior to obtaining approval for the first stage of works. Council is of the view these modifications would result in delays to the delivery of key infrastructure. I note that the 'Transport and Access' section of the revised SoC requires SIMTA to commit to negotiating with the relevant agencies and authorities to facilitate the staged delivery of road infrastructure upgrades. As such, the modifications to the revised SoC would not result in an unacceptable deviation from the infrastructure delivery requirements of the original Concept Plan Approval.

I have carefully considered the Department's assessment report and its findings that the proposed modifications are reasonable and will not result in any additional environmental impacts.

Consequently, I have determined to approve the modification application, subject to the Department's recommended conditions. The signed modifying instrument and file are returned herewith.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Forward', with a stylized flourish at the end.

Mr Paul Forward  
**Member**  
**Planning Assessment Commission**

cc.                   The Hon. Rob Stokes, MP  
                          Minister for Planning  
                          GPO Box 5341  
                          SYDNEY NSW 2001