

# Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



David Gainsford  
**Deputy Secretary**  
**Assessment and Systems Performance**

Sydney

24 December 2020

## SCHEDULE 1

**Development consent:** **SSD 7709** granted by the Independent Planning Commission on 11 November 2019

**For the following:** **Moorebank Precinct West Stage 2** (MPW Stage 2), comprising:

- Construction and 24/7 operation of an intermodal terminal (IMT) facility to support a container freight throughput of 500,000 twenty-foot equivalent units (TEUs) per annum, including:
  - a rail terminal with nine rail sidings and associated locomotive shifter
  - a rail link connection from the sidings to the rail link constructed under MPE Stage 1 (SSD 5766) to the Southern Sydney Freight Line (SSFL)
  - rail and truck container loading and unloading and container storage areas
  - truck waiting area and emergency truck storage area
  - container wash-down facilities and degassing area
  - mobile locomotive refuelling station
  - engineer's workshop, administration facility and associated car parking.

Operation of the IMT facility includes operation of the rail link to the SSFL and container freight movements by truck to and from the Moorebank Precinct East (MPE) site.

- Construction and 24/7 operation of a warehousing estate on the northern part of the site servicing the IMT facility and including:
  - six warehouses with a total gross floor area (GFA) of 215,000 m<sup>2</sup> and, for each warehouse, associated offices,

- staff amenities, hardstands and truck and light vehicle parking.
  - 800 m<sup>2</sup> freight village (operating from 7am to 6pm, 7 days/ week) including staff/ visitor amenities
  - Internal roads, noise wall, landscaping, lighting and signage.
- Intersection upgrades on Moorebank Avenue at:
  - Anzac Road providing site access
  - Bapaume Road for left turn only out of the site.
- Construction and operation of on-site detention basins, bioretention/ biofiltration systems and trunk stormwater drainage for the entire site.
- Construction works and temporary facilities, including:
  - vegetation clearing, top soil stripping and stockpiling and site earthworks and temporary on site detention
  - importation of up to 1,600,000 m<sup>3</sup> of uncompacted fill, temporary stockpiling and placement over the entire site to raise existing ground levels by up to 3 m
  - materials screening, crushing and washing facilities
  - importation and placement of engineering fill and rail line ballast
  - installation and use of a concrete batching plant
  - utilities installation/ connection.

**Applicant:** Sydney Intermodal Terminal Alliance (SIMTA) as Qube Holdings Limited

**Consent Authority:** Minister for Planning and Public Spaces

**The Land:** Moorebank Avenue, Moorebank  
 Lot 1 DP 1197707 Lot 100 DP 1049508  
 Lot 101 DP 1049508 Lot DP 1197707  
 Part Lot 2 DP 1197707  
 Part Anzac Road and Moorebank Avenue public road reserves

**Modification:** **SSD 7709 MOD 1:** the modification includes:

- adjustment to the southern boundary of the MPW Stage 2 site
- increase to maximum building height across warehouses 5 and 6 from approximately 21 m up to and including 45 m
- rearrangement of warehousing
- increases to operational noise criteria
- allowance for storage of Dangerous Goods on-site at warehouses 5 and 6

## SCHEDULE 2

The consent (SSD 7709) is modified as follows by the deletion of the words/ numbers marked in ~~strike through~~ and insertion of the **bold and underlined** words/ numbers.

- (a) Definitions, amend the amend the table with the following rows inserted in alphabetical order:

<b><u>Occupation</u></b>	<b><u>The commencement of the occupation or use of the whole or any part of the development.</u></b>
<b><u>Warehouse JR</u></b>	<b><u>The warehouse known as Warehouse JR, identified as Warehouse 5 in the plan titled 'Precinct Modification Plan — Proposed' (Drawing No JR-SK-A-0-9402, Revision G), prepared by Bell Architecture and dated 16 October 2020)</u></b>
<b><u>Warehouse JN</u></b>	<b><u>The warehouse known as Warehouse JN, identified as Warehouse 6 in the plan titled 'Precinct Modification Plan — Proposed' (Drawing No JR-SK-A-0-9402, Revision G), prepared by Bell Architecture and dated 16 October 2020)</u></b>

- (b) Schedule 2 — Part A Administrative Conditions — Limits of Consent, insert the following new conditions A15A and A15B:

**A15A.**            **The development must not generate more than:**  
(a)        **2,670 light vehicle movements a day during operation; and**  
(b)        **1,654 heavy vehicle movements a day during operation.**

**A15B.**            **The applicant must keep accurate records of the number of heavy and light vehicles entering and leaving the site each day. These records must be provided to the Planning Secretary upon request, and to the approved traffic auditor upon the trigger events in B120B occurring and prior to the commencement of the Traffic Audit required under condition B120A.**

- (c) Schedule 2 — Part A Administrative Conditions — Limits of Consent, insert the following new conditions A16A:

**A16A.**            **Warehousing associated with the development is to be limited to the area identified in the plan titled 'Precinct Modification Plan — Proposed' (Drawing No JR-SK-A-0-9402, Revision G), prepared by Bell Architecture and dated 16 October 2020).**

- (d) Schedule 2 — Part B Key Environmental Issues — Traffic and Access, insert the following new subheading, new condition B110A and note:

### **Interim Operational Site Access**

**B110A.**            **Until operational access to the site is provided (that is, as part of the Moorebank Avenue and Anzac Road intersection upgrades required under condition B84), the Applicant must ensure that the operational access point to the site is via the Chatham Avenue/Moorebank Avenue intersection, or any other alternative as agreed by Transport for NSW in writing.**

**Note: Prior to the occupation of any warehouse on the site, the Applicant must undertake a pre-opening road safety audit of its interim operation site access, and incorporate the corrective actions outlined in that Road Safety Audit, under conditions B112A and B112B.**

- (e) Schedule 2 — Part B Key Environmental Issues — Traffic and Access — Road Safety Audit, insert new conditions B112A and note, B112B and B112C:

**B112A. Prior to occupation of any warehouse on the site, the Applicant must undertake a pre-opening Road Safety Audit for heavy vehicle movements associated with operation in and out of the development site via the operational access point to the site, and for motorists and construction vehicle movements along Moorebank Avenue.**

**The Road Safety Audit must be prepared by an independent TfNSW accredited road safety auditor in accordance with the relevant Austroads guidelines and TfNSW's Guidelines for Road Safety Audit Practices to identify any safety issues. The Road Safety Audit must consider road safety issues for the proposed operational access arrangements and affected vehicle movements.**

**Note: In accordance with condition B110A, the operational access point to the site is via the Chatham Avenue/Moorebank Avenue intersection, or any other alternative as agreed by Transport for NSW in writing.**

**B112B. Prior to occupation of any warehouse on the site, the Applicant must incorporate the corrective actions outlined in the pre-opening Road Safety Audit required under condition B112A in consultation with and with the prior approval of the relevant road authority. Details on the proposed corrective actions must be submitted to the Planning Secretary and TfNSW.**

**B112C. The Road Safety Audit required by condition B112A is not required if the applicant has completed the Moorebank Avenue and Anzac Road intersection upgrades required under condition B84 prior to occupation of any warehouse on the site.**

- (f) 'Schedule 2 — Part B Key Environmental Issues — Traffic and Access, insert the following new subheading and new condition B120A:

**Traffic Audit**

**B120A. A Traffic Audit of the development must be undertaken within 90 days of each of the trigger events identified in B120B, by an independent qualified person(s) approved by the Planning Secretary prior to the commencement of the Traffic Audit. The Traffic Audit must include, but not necessarily be limited to:**

- (a) verification of actual traffic movements against condition A15A;**
- (b) assessment of the traffic performance of the project against the predictions made in EIS, RtS and consolidated assessment clarification responses;**
- (c) consideration of the results of the traffic monitoring during a representative period nominated by the auditor;**
- (d) review of compliance with the approved access routes and performance measures prescribed under this consent;**

- (e) consideration of any traffic-related issues raised by TfNSW and Council; and
- (f) findings and recommendations with respect to the traffic performance of the project and any additional measures that may be required to manage traffic associated with the project.

**Note:** In accordance with condition B110A, the operational access point to the site is via the Chatham Avenue/Moorebank Avenue intersection, or any other alternative as agreed by Transport for NSW in writing.

**B120B.** Traffic Audits under condition B120A are required to be undertaken within 90 days of the following trigger events:

- (a) the MPW Stage 2 daily heavy vehicle movements reaching 1,000 heavy vehicle movements for the first time,
- (b) annual container freight throughput on the MPW Stage 2 site reaching each of the following: 50,000 TEU, 250,000 TEU and 500,000 TEU,
- (c) as may be directed by the Planning Secretary from time-to-time.

**B120C.** Within 28 days of conducting the Traffic Audit referred to under condition B120A of this consent, the Applicant must provide the Planning Secretary with a copy of the Traffic Audit report. If the Traffic Audit report identifies non-compliance with condition A15A, or with traffic predictions, approved access routes, or performance measures, the Applicant must detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Planning Secretary.

Notwithstanding the above, nothing permits the Applicant to exceed the traffic movements specified in condition A15A at any time and any non-compliance with condition A15A is a breach of this consent.

**B120D.** Following consideration of the outcomes of the Traffic Audit and the Traffic Audit report referred to under conditions B120A and B120C of this consent, the Planning Secretary may require the Applicant to implement additional traffic mitigation, monitoring or management measures to address traffic impacts associated with the project. The Planning Secretary may require any or all of the measures identified in the Traffic Audit report, or other measures considered appropriate by the Planning Secretary (including additional local area traffic management measures or on-site traffic management controls) to be implemented. The Applicant must implement the measures required by the Planning Secretary within such period as the Planning Secretary may specify.

- (g) 'Schedule 2 — Part B Key Environmental Issues — Noise and Vibration — Intermodal Terminal Operational Noise Limits, amend condition B131:

B131. ~~The Applicant must ensure that the noise generated by the~~ **development must not exceed the noise limits in Table 4 which are generated by the** overall precinct operations (defined as all activities approved for MPW and MPE) ~~does not exceed the noise limits in Table 4.~~

**Table 4: Operational Noise Limits dB(A)**

<b>Location (residential receivers)</b>	<b>Day L<sub>Aeq</sub>, 15 minute</b>	<b>Evening L<sub>Aeq</sub>, 15 minute</b>	<b>Night L<sub>Aeq</sub>, 15 minute</b>	<b>Night L<sub>A1</sub>, 1 minute</b>
Casula	39 dB <b><u>46 dB</u></b>	35 dB <b><u>44 dB</u></b>	35 dB <b><u>39 dB</u></b>	52 dB
Glenfield	35 dB <b><u>49 dB</u></b>	35 dB <b><u>46 dB</u></b>	35 dB <b><u>42 dB</u></b>	52 dB
Wattle Grove	36 dB <b><u>44 dB</u></b>	35 dB <b><u>42 dB</u></b>	35 dB <b><u>42 dB</u></b>	52 dB
<b><u>Wattle Grove North</u></b>	<b><u>41 dB</u></b>	<b><u>41 dB</u></b>	<b><u>41 dB</u></b>	<b><u>52 dB</u></b>

(h) Schedule 2 — Part B Key Environmental Issues — Hazards and Risks, amend condition B176:

B176. The total quantities of dangerous goods present at any time within the development and transport movements to and from the development must be kept below the screening threshold quantities and movements listed in the Department's *Hazardous and Offensive Development Guidelines Applying SEPP 33* (January 2011), **with the exception of dangerous goods storage for Warehouses JR and JN.**

(i) Schedule 2 — Part B Key Environmental Issues — Hazards and Risks, insert the following new condition B176A:

**B176A. The storage of dangerous goods and combustible materials within Warehouses JR and JN must not exceed the maximum storage quantities listed in Table 7 at all times:**

**Table 7: Storage of dangerous goods within Warehouses JR and JN**

<b><u>Location</u></b>	<b><u>Dangerous Goods Class</u></b>	<b><u>Packing Group</u></b>	<b><u>Description</u></b>	<b><u>Maximum Storage Quantity (Kg)</u></b>
<b><u>JR Warehouse</u></b>	<b><u>2.1</u></b>	<b><u>n/a</u></b>	<b><u>Liquified Petroleum Gas (LPG) in bulk tank</u></b>	<b><u>3,080</u></b>
	<b><u>2.1</u></b>	<b><u>n/a</u></b>	<b><u>Aerosols with LPG propellant</u></b>	<b><u>40,000</u></b>
	<b><u>n/a</u></b>	<b><u>n/a</u></b>	<b><u>Diesel fuel (C1 combustible material)</u></b>	<b><u>60,000</u></b>
<b><u>JN Warehouse</u></b>	<b><u>1.4s</u></b>	<b><u>n/a</u></b>	<b><u>Explosives (i.e. party poppers)</u></b>	<b><u>200</u></b>
	<b><u>2.1</u></b>	<b><u>n/a</u></b>	<b><u>LPG in bulk tank</u></b>	<b><u>3,080</u></b>
	<b><u>3</u></b>	<b><u>II</u></b>	<b><u>Flammable liquids (i.e. paints)</u></b>	<b><u>32,700</u></b>
	<b><u>3</u></b>	<b><u>III</u></b>	<b><u>Flammable liquids (i.e. paints)</u></b>	<b><u>44,100</u></b>
	<b><u>4.1</u></b>	<b><u>III</u></b>	<b><u>Flammable solids (i.e. matches)</u></b>	<b><u>4,200</u></b>
	<b><u>5.1</u></b>	<b><u>III</u></b>	<b><u>Oxidising agents (i.e. hair dyes)</u></b>	<b><u>1,300</u></b>
	<b><u>8</u></b>	<b><u>II</u></b>	<b><u>Corrosive substances (i.e.</u></b>	<b><u>12,000</u></b>

			cleaners)	
	<u>8</u>	<u>III</u>	<u>Corrosive substances (i.e. cleaners)</u>	<u>33,000</u>

- (j) Schedule 2 — Part B Key Environmental Issues — Hazards and Risks, insert the following new condition B176B:

**B176B.** **Prior to the commencement of construction, the pre-construction studies set out below must be completed:**

- (a) **a Fire Safety Study for Warehouse JR and/or Warehouse JN, covering the relevant aspects of the Department’s Hazardous Industry Planning Advisory Paper No. 2, ‘Fire Safety Study Guidelines’ and the New South Wales Government’s Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. The study must be prepared in consultation with Fire and Rescue NSW.**
- (b) **a Final Hazards Analysis for Warehouse JR and/or Warehouse JN, consistent with the Department’s Hazardous Industry Planning Advisory Paper No. 6, ‘Hazard Analysis’.**

**Construction of Warehouse JR or Warehouse JN, other than of preliminary works that are outside the scope of the hazards studies, must not commence until the relevant study recommendations for the subject warehouse have been considered and, where appropriate, acted upon. The studies must be submitted to the Planning Secretary no later than one month prior to the commencement of construction of relevant warehouse to which they apply (other than preliminary works), or within such further period as the Planning Secretary may agree.**

- (k) Schedule 2 — Part B Key Environmental Issues — Hazards and Risks, insert the following new condition B176C:

**B176C.** **Prior to the commissioning of Warehouse JR and Warehouse JN (or prior to the commissioning of the relevant warehouse, should the development be staged), the pre-commissioning plans and systems set out below must be completed:**

- (a) **a comprehensive Emergency Plan and detailed emergency procedures for the safety of all people outside Warehouse JR and/or Warehouse JN, who may be at risk from the warehouse/s. The plan must be consistent with the Department’s Hazardous Industry Planning Advisory Paper No. 1, ‘Emergency Planning’.**
- (b) **a document setting out a comprehensive Safety Management System covering all on-site operations and associated transport activities involving hazardous materials for Warehouse JR and/or Warehouse JN. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. The Safety Management System shall be consistent with the Department’s Hazardous Industry Planning Advisory Paper No. 9, ‘Safety Management’. Records shall be kept on-site at all times and must be available for inspection by the Secretary upon request.**

**Documentation must be submitted to the Planning Secretary no later than two months prior to the commencement of commissioning of the proposed development, or within such further period as the Planning Secretary may agree.**

- (l) Schedule 2 — Part B Key Environmental Issues — Hazards and Risks, insert the following new condition B176D:

**B176D. Twelve months after the commencement of operations of Warehouse JR and/or Warehouse JN, should the development be staged, and every five years thereafter, or at such intervals as Council may agree, a comprehensive Hazard Audit of the warehouse/s must be carried out and a report submitted to the Planning Secretary within one month of each audit. The audits must be carried out at the Applicant’s expense by a qualified person or team, independent of the development, approved by the Planning Secretary prior to commencement of each audit. Hazard Audits must be consistent with the Department’s Hazardous Industry Planning Advisory Paper No. 5, ‘Hazard Audit Guidelines’. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the deferral of the implementation of a recommendation is intended, reasons must be documented.**

- (m) Schedule 2 — Part B Key Environmental Issues — Hazards and Risks, insert the following new condition B176E:

**B176E. The Applicant must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of conditions B176B to B176D, within such time as the Planning Secretary may agree.**

- (n) Summary of Reporting and Approval Requirements, amend the table with the following rows inserted in alphabetical order:

<b><u>B112B</u></b>	<b><u>Interim Operational Site Access Road Safety Audit traffic management measures</u></b>	<b><u>Prior to occupation of any warehouse on the site</u></b>	<b><u>Information</u></b>
<b><u>B120A</u></b>	<b><u>Traffic auditor</u></b>	<b><u>Prior to the commencement of the Traffic Audit</u></b>	<b><u>Approval</u></b>
<b><u>B120B</u></b>	<b><u>Traffic Audit report</u></b>	<b><u>Within 28 days of conducting the Traffic Audit</u></b>	<b><u>Information</u></b>
<b><u>B176B</u></b>	<b><u>Fire Safety Final Hazards Analysis</u></b>	<b><u>Prior to commencement of construction</u></b>	<b><u>Information</u></b>
<b><u>B176C</u></b>	<b><u>Emergency Plan Safety Management System</u></b>	<b><u>Prior to commissioning</u></b>	<b><u>Information</u></b>
<b><u>B176D</u></b>	<b><u>Hazard Audit</u></b>	<b><u>After commencement of operations, annually</u></b>	<b><u>Information</u></b>



**End of modification  
(SSD-7709-Mod-1)**