

Modification of Development Consent

Section 4.55(1A) 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
Executive Director
Infrastructure Assessments

Sydney 31 January 2020

SCHEDULE 1

Development consent: **SSD 7628** granted by the Planning Assessment Commission on 31 January 2018

For the following: Construction and operation of Stage 2 of the SIMTA Concept Plan comprising:

- Earthworks including the importation of 600,000m³ of fill and vegetation clearing.
- Approximately 300,000m² of GFA for warehousing and ancillary offices.
- Warehouse fit-out.
- Freight village, with 8,000m² of ancillary retail, commercial and light industrial land uses.
- Internal road network and hardstand across site.
- Ancillary supporting infrastructure within the site, including:
 - stormwater, drainage and flooding infrastructure
 - utilities, relocation/installation
 - fencing, signage, lighting, remediation and landscaping.
- Moorebank Avenue upgrade including:
 - raising by about two metres and some widening
 - embankments and tie-ins to existing Moorebank Avenue road levels
 - signalling and intersection works.
- Intersection upgrades along Moorebank Avenue including:
 - Moorebank Avenue/MPE Stage 2 access
 - Moorebank Avenue/MPE Stage 1 northern access
 - Moorebank Avenue/MPE Stage 2 central access
 - MPW Southern Access/MPE Stage 2 southern emergency access.
- Operation 24 hours a day, seven days per week.

Applicant: SIMTA

Consent Authority: Minister for Planning and Public Spaces

The Land: Lot 1 DP1048263
Part Lots 1, 2 and 4 DP1197707
Moorebank Avenue

Modification: The modification includes:

- adjustment to the southern boundary of the site to facilitate a revised drainage system layout and design for Onsite Stormwater Detention Basin (OSD) 2
- removal of the requirement for maximum batters of 1V:4H for OSD 9.

SCHEDULE 2

The consent is modified as follows:

- (a) Definitions table is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

MOD 2 The development as described in the modification application SSD-7628-Mod-2, the supporting documentation submitted with SSD-7628-Mod-2 and the conditions of this consent.

OSD 9 Onsite Detention Basin 9, located in north-western corner of the site.

- (b) Schedule 2, Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Secretary in relation to this consent;
- (c) in accordance with the EIS, Submissions Report, Consolidated assessment clarification responses, and updated Biodiversity Assessment Report;
- (d) in accordance with the amended Development Layout Plans and Design Plans, amended WSUD plans and amended architectural plans to be submitted for the Secretary's approval as part of this consent; ~~and~~
- (e) in accordance with the management and mitigation measures at APPENDIX B of this consent; **and**
- (f) **in accordance with modification application SSD-7628-Mod-2 and supporting documentation.**

- (c) Schedule 2, Part A – Administrative Conditions, Condition A4 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

A4. The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e) **to A2(f)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(e) **to A2(f)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict. For the purpose of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary and a document, if it is not possible to comply with both the condition or direction and the document.

- (d) Schedule 2, Part A – Administrative Conditions, Condition A23 is amended by the insertion of the **bold and underlined** words/numbers as follows:

A23. Prior to commencement of early works and fill importation, the Applicant must prepare amended WSUD plans that incorporate water sensitive urban design principles, be generally in accordance with relevant Council policies, plans and specifications, and address condition B40, to ensure that:

- (a) the stormwater and drainage systems for the development will operate independently of any works proposed as part of the MPW Stage 2 development

- application (SSD 7709) that have not been incorporated in this development, unless development consent has been granted to those works under SSD 7709 prior to commencement of early works and fill importation;
- (b) adequate overland flow paths have been provided in the event of stormwater system blockages and flows in excess of the 1% ARI rainfall event;
- (c) on site detention basins are visually unobtrusive,
- (d) that the design of the basins, and ,associated setbacks and fencing, ensures public safety;
- (e) adequate site area has been provided for stormwater treatment;
- (f) design of stormwater treatment systems minimises the risk of failure; and
- (g) setback of drainage work and fencing has been finalised in consultation with RMS.

Note: Notwithstanding modification application SSD-7628-Mod-2, all drainage on the site must comply with this condition.

- (e) Schedule 2, Part B – Environmental Performance and Management, is amended by the insertion of Condition B40A as follows:

B40A. OSD 9 as described in the modification application SSD-7628-Mod-2 must comply with the conditions of this consent, including B40, except for Condition B40(c)(iii).

- (f) Schedule 2, Part B – Environmental Performance and Management, Condition B103 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

B103. The Applicant must:

- (a) ensure that no more than **4.69 4.88** hectares of native vegetation is cleared for the development; and
- (b) minimise:
 - i. the impacts of the development on hollow-bearing trees; and
 - ii. the clearing of native vegetation and key habitat within the approved disturbance footprint

- (g) Schedule 2, Part B – Environmental Performance and Management, Condition B104 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

B104. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in **Tables 6, and 7 7A and 7B** and provide evidence to the satisfaction of the Secretary. The retirement of credits must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects, and can be achieved by:

- (a) acquiring or retiring credits under the BioBanking scheme established under the then *Threatened Species Conservation Act 1995*
- (b) making payments unto an offset fund that has been established by the NSW Government; or
- (c) providing suitable supplementary measures.

Table 6: Ecosystem credit requirements

Site	Plant community type	Area to be impacted	Credits required
MPE Stage 2 (excluding Moorebank Avenue site)	Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin (ME003)	0.4 0.29 ha	4 7
MPE Stage 2 (excluding Moorebank Avenue site)	Broad-leaved Ironbark - Melaleuca decora shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion (ME002)	0.05 ha	3
Moorebank Avenue site	Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin (ME003)	3.73 ha	167
Moorebank Avenue site	Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin (ME005)	0.22 ha	6
Moorebank Avenue site	Forest Red Gum - Roughbarked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney (ME018)	0.59	17

Table 7A: Species credit requirements

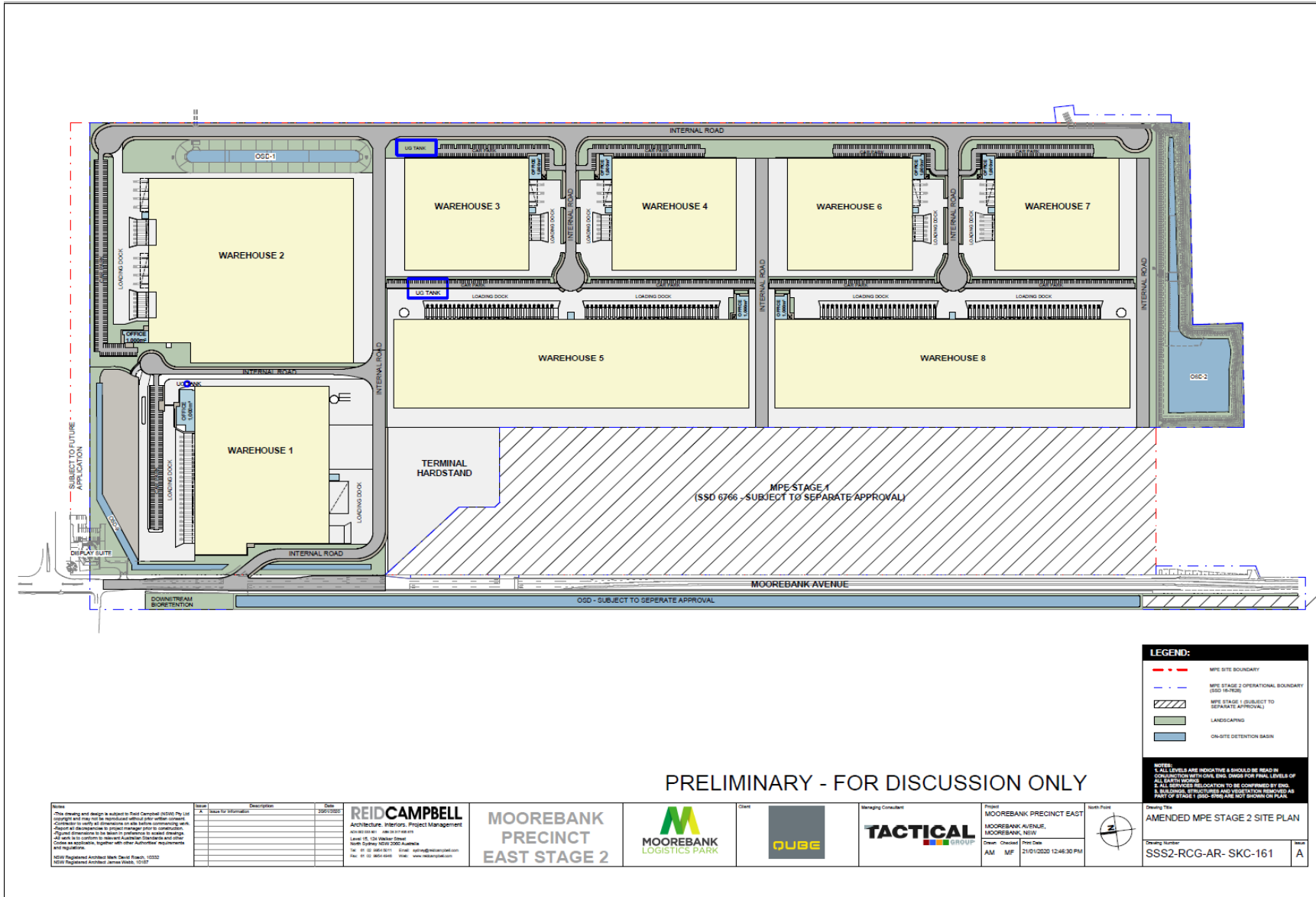
Species	Impacted individuals	Credits required
Nodding Geebung (<i>Persoonia nutans</i>)	12	924
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	410	4400
Small-flower Grevillia (<i>Grevillea parviflora</i> subsp. <i>parviflora</i>)	79	1106

B104A. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in Table 7B and provide evidence to the satisfaction of the Secretary. The retirement of credits can be achieved by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator. Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

Table 7B: Species credit requirements

<u>Species</u>	<u>Impacted habitat area (ha)</u>	<u>Credits required</u>
<u>Nodding Geebung</u> <u>(<i>Persoonia nutans</i>)</u>	<u>0.70</u>	<u>1</u>
<u><i>Hibbertia puberula</i> subsp. <i>puberula</i></u>	<u>3.49</u>	<u>103</u>
<u><i>Hibbertia fumana</i></u>	<u>0.14</u>	<u>1</u>
<u>Koala (<i>Phascolarctos</i> <i>cinereus</i>)</u>	<u>0.29</u>	<u>3</u>

Appendix A is amended by deletion of the existing figure 3 and insertion of the following figure:



**End of modification
(SSD 7628 MOD 2)**