Suite 117, 25 Solent Circuit
Norwest Business Park
Baulkham Hills
NSW 2153
ABN: 50 160 157 666

19 July 2021

By email: office@stokes.minister.nsw.gov.au
Copy for information only: ipcn@ipcn.nsw.gov.au

To:
The Minister for Planning and Public Spaces
The Hon. Rob Stokes, MP
52 Martin Place
Sydney NSW 2000

Copy for information only
Office of the Independent Planning Commission NSW
Level 3, 201 Elizabeth Street
Sydney NSW 2000

Re: Notice of Modification: Condition B56(a) of SSD 7628 – Construction and operation of Stage 2 of the SIMTA Concept Plan

Introduction and Background

This notice relates to the development consents granted for the construction and operation of Stage 2 of the SIMTA Concept Plan (known as MPE Stage 2) (SSD 7628) and Moorebank Precinct West Stage 3 (MPW Stage 3) (SSD 10431).

This notice has been prepared following receipt of advice from the NSW Department of Planning, Industry and Environment (DPIE) on 15 June 2021 and in order to comply with a condition of SSD 10431. Condition A9 of SSD 10431 requires:

> *A9: Prior to the physical commencement of work under this consent, the Applicant is required to modify the following development consents by replacing "22,000 m^3" wherever occurring with "13, 000 m^3" in:*
>
> *a) condition A9 of SSD 7709; and*
> *b) condition B56(a) of SSD 7628*

The modifications required by Condition A9 of SSD 10431 may be effected by the giving of notice under cl 97(1) of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) (Notice of Modification). Once the Notice of Modification is given, provided it

contains the information required under cl 97 of the Regulation, the Modification to SSD 7628 would be effective immediately.

The following sections provide the information required for a valid Notice of Modification under cl 97(1) of the Regulation, in relation to SSD 7628.

Notice of Modification – SSD 7628 – Clause 97 (1) of the Regulation

a) the name and address of the person by whom the notice is given

Name: Sydney Intermodal Terminal Alliance (SIMTA)

Address: Level 27, 45 Clarence Street, Sydney NSW 2000

b) the address, and formal particulars of the title, of the land to which the consent or right relates

Site: Moorebank Avenue, Moorebank NSW 2170

Lot/DP details: Lot 1 DP 1048263

Part Lots 1, 2 and 4 DP 1197707

Lot 1 DP 825352

c) a description of the development consent or existing use right to be modified or surrendered

This Notice of Modification relates to modification of SSD 7628, as required by Condition A9(b) of SSD 10431.

SSD 7628 was approved by the Planning Assessment Commission (now, the office of the Independent Planning Commission NSW), acting as delegate for the Minister for Planning (now, the Minister for Planning and Public Spaces) under former s 89E of the *Environmental Planning and Assessment Act 1979* on 31 January 2018. SSD 7628 authorises the construction and operation of Stage 2 of the SIMTA Concept Plan comprising:

- Earthworks including the importation of 600,000 m^3 of fill and vegetation clearing.
- Approximately 300,000 m^2 GFA of warehousing and ancillary offices.
- Warehouse fit out
- Freight village with 8,000 m2 GFA of ancillary retail, commercial and light industrial land uses.
- Internal road network and hardstand across the 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 2 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 per day, 7 days per week.

On the 5 April 2019, a Partial Development Consent was granted by the PAC for the Subdivision of the MPE Site.

There have been four separate modification applications for SSD 7628:

- SSD 7628 Mod 1: sought modifications of signage controls (Condition B141(f)), timing for intersection design approvals and upgrades (B13), and biodiversity credit requirements (B104) in addition to an update to cross-referencing of conditions. The modification remains under assessment by DPIE.
- SSD 7628 Mod 2: sought modification to the construction and operation boundary, and stormwater infrastructure design requirements (B40(c)(iii)). The modification was approved by DPIE on 31 January 2020. Approval of this modification included approval of the B104 components of Mod 1.
- SSD 7628 Mod 3: sought modification to create four lots as part of the subdivision of two lots within the MPE Site, to facilitate the intended establishment and operation of the rail corridor access. The modification also sought to modify the compliance monitoring and tracking requirements of SSD 7628 by modifying the frequency of construction compliance reporting. The application was approved on 18 December 2020. The approval of this modification included the approval of the B141(f) and consistency components of Mod 1.
- SSD 7628 Mod 4: sought modification of Condition B140(e)(vi) to allow the Planning Secretary to consider and approve the provisions of the UDLP, as submitted, that relate to the car park landscaping provided for Area 1 (Warehouse1). The application was approved on 19 January 2021.

d) particulars as to whether the consent or right is to be modified (including details of the modification) or surrendered

The Applicant seeks modification of Condition B56(a) of SSD 7628 which provides:

B56: During construction:
a) fill importation must not exceed 22,000 m^3 per day;

This Notice of Modification modifies the wording of the above Condition B56(a) of SSD 7628 as follows (change provided in **bold**):

B56: During construction:
a) fill importation must not exceed ~~***22,000 m^3***~~ ***13,000 m^3*** *per day;*

e) if the Applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.

A statement from the land owner providing consent for this modification is provided in Attachment A.

Conclusion

This Notice of Modification provides the requisite information in accordance with cl 97(1) of the Regulation, to effect modification of Condition B56(a) of SSD 7628. This modification changes the wording of Condition B56(a) of SSD 7628 to amend (reduce) the daily limit of importation of fill from 22,000 m^3 to 13,000 m^3. This modification is required by Condition A9(b) of SSD 10431 prior to physical commencement of work under SSD 10431.

Please feel free to contact me if you wish to discuss further.

Megan Kovelis

Associate

Aspect Environmental

Attachment A – Land Owners Consent – SSD 7628

The Trust Company Limited
As custodian for the Moorebank Industrial Property Trust
Level 18, 123 Pitt Street
Sydney NSW 2000

SIMTA
c/- Mr Michael Yiend
Director Development,
Qube Holdings Limited
Level 27, 45 Clarence St
SYDNEY NSW 2000

Dear Sir,

Moorebank Precinct East (MPE) Stage 2 State significant development application (SSD-7628) and MPE Concept Plan Approval Modification Application 2 (MP10_0193 MOD 2) Land Owner's consent to SSD-7628 and MP10_0193 MOD 2 and any future modification applications to any approval

The Trust Company Limited as custodian for the Moorebank Industrial Property Trust is the owner of land (**Land Owner**) located at Moorebank, described as Lot 1 DP 1048263 (**Land**).

The Land Owner is aware that SIMTA has obtained approval of a Concept Plan MP 10_0193 (29 September 2014), a modification to that Concept Plan Approval MP_10_0193 MOD 1 (12 December 2016) and Stage 1 Development Consent SSD 6766 (12 December 2016) for the proposed Moorebank Precinct East Project, and that SIMTA has lodged a State significant development application for Stage 2 (SSD 7628) and Concept Plan Approval modification application (Concept Plan Modification 2) with the Minister for Planning and Environment, seeking development consent for construction and operation of the second stage of the MPE Project and modification of the MPE Concept Plan Approval.

The Stage 2 SSD Application has been given reference number SSD 7628 and seeks approval for Stage 2 of the MPE Project under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Concept Plan Modification 2 has been given reference number MP10_0193 MOD 2 and seeks approval to modify the MPE Concept Plan Approval under section 75W (now repealed) of the *Environmental Planning and Assessment Act* 1979 (EP&A Act). The MPE Concept Plan Approval is a Transitional Part 3A Project, and accordingly section 75W of the EP&A Act continues to apply pursuant to clause 3C of Schedule 6A of the EP&A Act.

The Land forms part of the land on which development is proposed pursuant to the Stage 2 SSD Application (SSD 7628) and the Concept Plan Modification 2 (MP10_0193 MOD 2). As the owner of the Land, I give consent to the making of the Stage 2 SSD Application (SSD 7628) and Concept Plan Modification 2 (MP10_0193 MOD2) and any and all future modification applications in relation to any approval issued in respect of SSD 7628 under section 96 of the EP&A Act and MP10_0193 under section 75W of the EP&A Act, either in its current form or representative future provisions.

This owner's consent is limited to the Stage 2 SSD Application (SSD 7628) and Concept Plan Modification 2 (MP10_0193 MOD 2) and any future modification applications in relation to any approval of SSD 7628 and MP10_0193 MOD 2. Further, this letter does not constitute owner's consent in respect of any subsequent State significant development application that may affect the Land. Further requests for owner's consents in respect of any subsequent development applications will be required.

This letter does not constitute agreement by the Land Owner to the grant, or terms of, any easements or rights of carriageway that Qube may seek to obtain in respect of the Land.

Yours faithfully,

---------- 20/10/2017

Signed

Trent Franklin
Manager Custody

Name of landowner

Australian Government

Department of Infrastructure and Regional Development

Secretary

File Reference: 17/1558
PDR ID: EC17-001322(A)
Contact: David Crawford

Sydney Intermodal Terminal Alliance
c/- Mr Michael Yiend
Senior Development Manager, Qube Holdings Limited
Level 27, 45 Clarence Street
SYDNEY NSW 2000

Dear Mr Yiend

Moorebank Intermodal Terminal Project - Commonwealth Land Owners consent to the Sydney Intermodal Terminal Alliance (SIMTA) State Significant Development (SSD) Application SSD 7628, Concept Plan Approval Modification Application MP10_0193 MOD 2 and future modification applications to any approval for the Moorebank Intermodal Precinct East Stage 2

The Commonwealth of Australia is the owner of land (Land Owner) located at Moorebank, New South Wales, described the following and referred to herein as Land (Land):

Lot 1 DP 1197707

Lot 2 DP 1197707

Lot 4 DP 1197707

The Land Owner is aware that SIMTA has obtained approval of a Concept Plan MP 10_0193 (29 September 2014) and Stage 1 Development Consent SSD 6766 (12 December 2016) for the proposed Moorebank Intermodal Precinct East, and that Qube has lodged a State Significant Development Application for Stage 2 (SSD 7628) with the Minister for Planning and Environment, seeking development consent for construction and operation of the second stage of the Moorebank Intermodal Precinct East and a Concept Plan Approval Modification Application (Concept Plan Modification 2) seeking to modify the Concept Plan Approval for the Moorebank Intermodal Precinct East, with the Minister for Planning and Environment.

The Stage 2 SSD Application has been given reference number SSD 7628 and seeks approval for Stage 2 of the Moorebank Intermodal Precinct East under Part 4, Division 4.1 of the New South Wales *Environmental Planning and Assessment Act 1979* (EP&A Act). The Concept Plan Modification has been given reference number MP10_0193 MOD 2 and seeks approval to modify the Concept Plan Approval under section 75W (now repealed) of the EP&A Act. The SIMTA Concept Plan is a Transitional Part 3A Project, and accordingly section 75W of the EP&A Act continues to apply pursuant to clause 3C of Schedule 6A of the EP&A Act.

The Land forms part of the land on which development is proposed pursuant to the Stage 2 SSD Application (SSD 7628) and Concept Plan Modification (MP10_0193 MOD 2). As the authorised officer on behalf of the Land Owner, I give consent to the making of the Stage 2 SSD Application (SSD 7628), Concept Plan Modification (MP10_0193 MOD 2) and any and all future modification applications in relation to any approval issued in respect of SSD 7628 and MP10_0193.

This owner's consent is limited to the Stage 2 SSD Application (SSD 7628), Concept Plan Modification (MP_10_0193 MOD 2) and any future modification applications in relation to any approval of SSD 7628 and MP_10_0193. Further, this letter does not constitute owner's consent in respect of any subsequent State Significant Development Application that may affect the Land. Further requests for owner's consents in respect of any subsequent development applications will be required.

This letter does not constitute agreement by the Land Owner to the grant or terms of any easements or rights of carriageway that Qube may seek to obtain in respect of the Land.

Yours sincerely

Mike Mrdak AO

Signed on behalf of The Commonwealth of Australia, as
Secretary
Department of Infrastructure and Regional Development

13 September 2017