

# 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.



Dominic Crinnion  
**Director**  
**Infrastructure Management**

Sydney

22 February 2024

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## SCHEDULE 1

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

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

- Earthworks including the importation of 600,000m<sup>3</sup> of fill and vegetation clearing.
- Approximately 300,000m<sup>2</sup> GFA of warehousing and ancillary offices.
- Warehouse fit-out.
- Freight village, with 8,000m<sup>2</sup> GFA 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 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

**The Land:** Lot 1 DP1048263  
Part Lots 1, 2 and 4 DP1197707  
Moorebank Avenue  
Lot 1 DP 825352

**Modification:** **SSD-7628-MOD-6:** Modification to Condition B114, to allow for the increase in storage of Dangerous Goods (DG) above the screening threshold quantities detailed in Chapter 3 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* at future Warehouse 7 and to update MPE Stage 2 Site Plan to reflect the most recent approved layout.

## SCHEDULE 2

The consent is modified as follows:

Note:

Words/numbers that have been deleted are shown as: ~~deleted~~

Words/numbers that have been added are shown as added

1. In Schedule 1, amend the Applicant as follows:

Applicant: **SIMTA The Trust Company Limited (ACN 004 027 749)**

2. In Schedule 2, amend condition A2 as follows:

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;

(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; **and**

**(g) in accordance with modification application SSD-7628-Mod-6 and supporting documentation.**

3. In the table of DEFINITIONS, amend as follows (inserting the new definition in alphabetical order):

|                     |   |
|---------------------|---|
| <b><u>Mod 6</u></b> | <b><u>The development as described in the modification application SSD-7628-Mod-6, the supporting documentation submitted with SSD-7628-Mod-6 and the conditions of this consent.</u></b> |
|---------------------|---|

4. In Schedule 2, amend condition B114 as follows:

B114. ~~The quantities of Dangerous Goods present at any time within each premises or transported from and to the development must be kept below the screening threshold quantities listed in the Department's Hazardous and Offensive Development Guidelines Application Guidelines Applying SEPP 33 (January 2011).~~

**The quantities of Dangerous Goods present at any time within the development or transported to and from the development must not exceed the screening threshold quantities in the Department's Hazardous and Offensive Development Guidelines Application Guidelines Applying SEPP 33 except Warehouse 7. The storage of Dangerous Goods and combustible materials in Warehouse 7 must not exceed the quantities listed in Table 3-1 of the Preliminary Hazard Analysis prepared by Riskcon dated 11 October 2022 at all times.**

5. In Schedule 2, insert new conditions after condition B114:

B114A. The Applicant must prepare the studies set out under subsections (a) and (b). Storage of Dangerous Goods in Warehouse 7, must not commence until study recommendations have been considered and, where appropriate, acted upon. The Applicant must submit the studies to the Planning Secretary no later than one month prior to the commencement of the storage of Dangerous Goods in Warehouse 7, or within such further period as the Planning Secretary may agree.

(a) FIRE SAFETY STUDY

A Fire Safety Study for Warehouse 7. The study must cover the relevant aspects of the Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study' and the New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. The study must also satisfy the operational requirements of Fire and Rescue NSW, and include documentary evidence that a suitably qualified and experienced person is satisfied that the Applicant constructed Warehouse 7 in accordance with the fire safety systems and proposed designs assessed in the Fire Safety Study.

(b) FINAL HAZARD ANALYSIS

A Final Hazard Analysis for Warehouse 7 with the Department's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'.

B114B. Prior to the storage of Dangerous Goods in Warehouse 7, the Applicant must develop and implement the plans and systems set out under subsections (a) and (b). The Applicant must submit to the Planning Secretary documentation describing the plans and systems no later than two months prior to the commencement of the storage of Dangerous Goods in Warehouse 7, or within such further period as the Planning Secretary may agree.

(a) EMERGENCY PLAN

A comprehensive Emergency Plan and detailed emergency procedures for Warehouse 7. This plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'.

(b) SAFETY MANAGEMENT PLAN

A document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials for Warehouse 7. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Planning Secretary upon request. The Safety Management System must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.

B114C HAZARD AUDIT

Twelve months after the commencement of operations of Warehouse 7 and every five years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of

Warehouse 7 and within one month of each audit submit a report to the Planning Secretary. 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'*. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

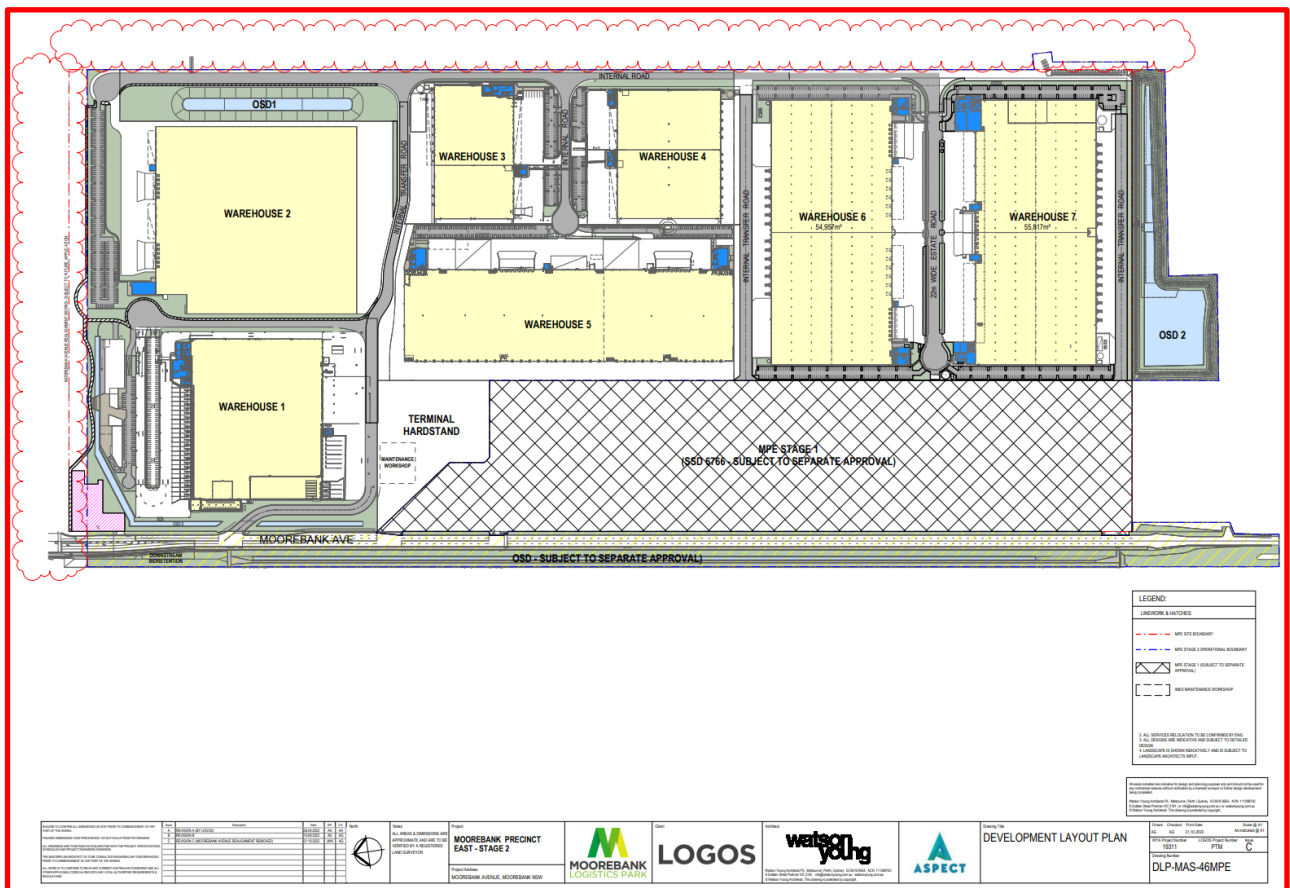
**B114D FURTHER REQUIREMENTS**

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 114A to 114D inclusive, within such time as the Planning Secretary may agree.

6. In Schedule 2, amend condition C6(b) as follows:

C6 (b) demonstrate compliance with condition B114 ~~regarding maintenance of quantities of dangerous goods below the screening threshold~~; and

7. In Schedule 2, replace the site plan at Appendix A with the following:



**End of modification  
(SSD-7628-MOD-6)**