

# 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.



Jake Shackleton  
**Director**  
**Infrastructure Management**

Sydney

30 September 2021

## SCHEDULE 1

**Development consent:** **SSD7709** 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, NSW Government 2 Department of Planning, Industry and Environment 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 2: the modification includes:

- modifications to construction related conditions including changes to:
  - maintenance access track requirements
  - stockpile slopes
  - ability to locate of infrastructure within the roadway
  - road design to reflect the requirements of the Koala management Plan
  - Out Of Hours Work Protocol requirements

## 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) Schedule 2 Part B – Key Environmental Issues – Development Layout, amend Condition B2 (g) as follows:

B2. Prior to commencement of construction, the Applicant must submit revised **Development Layout Drawings** to the Planning Secretary for approval. The revised Development Layout Drawings must be at a scale of approximately 1:2000 at A1 showing the key development elements including but not limited to estate infrastructure, internal roads, warehouse and associated carpark footprints, the freight village, intermodal terminal facility including the truck waiting area and emergency truck storage area, rail line and rail line vehicle access roads . The revised **Development Layout Drawings** must show the site, construction and operational boundaries and demonstrate:

- (a) provision of a riparian corridor, comprising the following:
- (i) a buffer zone to the most inland of:
- 40 metres from the top of bank, as surveyed by a registered surveyor, or
  - the 1% AEP flood extent, excluding the localised depression at the existing major east-west drainage channel, and
- (ii) an additional 10 metre extension to the buffer zone established in (i) above, where native vegetation is located on or within 10 metres east of the buffer;
- (b) the siting of biofiltration/ bioretention areas and OSD basins (with the exception of outlets to the Georges River and associated maintenance access) are outside the riparian corridor and outside the warehouse footprints;
- (c) no construction or operation works would take place inside biodiversity offset areas;
- (d) compliance with the landscaped setbacks specified in **Condition B63**;
- (e) compliance with the percentage of landscaped area specified in **Condition B68(a)** within the warehouse and freight village area and truck waiting area and emergency truck storage area to be developed under MPW Stage 2;
- (f) a setback of 8 to 12 m has been provided around the north, south and western perimeters of the development area to accommodate fill batter slopes of a maximum of 1V in 4H;
- (g) a minimum 3 m wide maintenance access has been provided between the fill slopes and the riparian corridor, the ABB site and at the southern end of the development area, ~~for ongoing maintenance works~~ **where necessary to ensure ongoing maintenance works can be carried out without impacting on the riparian corridor or adjoining sites**;
- (h) provision of a controlled overland flow path through the MPW Stage 2 site as required under **Condition B11** for conveyance of the major stormwater discharge from the MPE site to the Georges River;
- (i) identify habitat corridor/s, of adequate dimensions to provide an adequate Koala habitat corridor as supported by a Koala specialist, to provide connectivity both within the Intermodal Precinct area and with other core koala habitat areas, as required under **Condition B152**. The drawings are to show any required connectivity structures and fencing;
- (j) provision of a corridor between Moorebank Avenue and the Georges River for a possible future pedestrian connection across the Georges River to Casula

Railway Station, of a width that would allow the future construction of a shared path that complies with the relevant suggested width set out in the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads, 2017);

- (k) the bushfire asset protection requirements are within the development area; and
- (l) setbacks from the surveyed boundary of Lot 2 DP 32998, Lot 3 DP 32998, and Lot 2 DP 547293.

- (b) Schedule 2 Part B – Key Environmental Issues – Soil and Water, amend Condition B43 as follows:

B43. Stockpiles must:

- (a) not exceed 10 m in height;
- (b) be benched over 4 m in height;
- (c) have maximum of 1V:3H slopes **or a steeper slope where certified by a suitably qualified geotechnical specialist;** and
- (d) be stabilised if not worked on for more than 10 days.

- (c) Schedule 2 Part B – Key Environmental Issues – Traffic and Access, amend Condition B87 as follows:

~~B87: — Existing and future utility and service infrastructure must be located outside the roadway being upgraded. The Applicant is to locate any drainage infrastructure to support the Stage 2 development entirely within the development site and not within the roadway, unless agreed by RMS.~~

**The Applicant is to locate any drainage infrastructure to support the Stage 2 development entirely within the development site and not within the roadway, unless agreed by TfNSW and / or Liverpool City Council.**

**The location of other existing and future utility and service infrastructure must be located outside the roadway being upgraded unless provision within the roadway is agreed by TfNSW and / or Liverpool City Council with relevant Roads Act 1993 approval.**

- (d) Schedule 2 Part B – Key Environmental Issues – Traffic and Access, amend Condition B88 as follows:

B88. Road design must incorporate **any** structures for fauna movement between the Georges River riparian corridor and the Boot land, either under or below the road, **that have been identified by the Management Plan as required under Condition B152.**

*Note: see also Condition B2(i) and B152(d)*

- (e) Schedule 2 Part B – Key Environmental Issues – Noise and Vibration, amend Condition B127 as follows:

B127. Construction outside of the hours identified in Condition B125 may be undertaken in the following circumstances

- (a) works that are inaudible at the nearest sensitive receivers
- (b) where a negotiated agreement has been arranged with affected receivers
- (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons
- (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm; or
- (e) **works associated with:**

- i. **the Moorebank Avenue/Anzac Road upgrade, the delivery of the rail link connection, and works required to be undertaken during rail corridor possession** where they are undertaken in accordance with an Out-of-Hours Work Protocol under Condition B135; or
- ii. **any other construction works on the site where they are undertaken Out-of-Hours must be in accordance with the approved Out-of-Hours Work Protocol (OOWP) required under condition B135**

- (f) Schedule 2 Part B – Key Environmental Issues – Noise and Vibration, amend Condition B135  
(g) as follows:

B135 The CNVMP must form part of the CEMP required by **Condition C2** and, in addition to the general management plan requirements listed in **Condition C1**, the CNVMP must include:

- (a) identification of the work areas, site compounds and internal access routes;
- (b) identification of the type and number of plant and equipment expected on site at the same time;
- (c) details of construction activities and a construction program, including the identification of key noise and/ or vibration generating construction activities (based on representative construction scenarios) that have the potential to generate noise and/ or vibration impacts on surrounding sensitive receivers, particularly residential areas;
- (d) identification of sensitive receivers (including heritage structures if relevant) and relevant construction noise management levels (NMLs) using the ICNG, vibration criteria using the *Assessing Vibration: a Technical Guide* (DECC 2006) (for human exposure) and vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration effects of vibration on structures* (for structural damage);
- (e) Identification of any construction activities predicted to exceed NMLs;  
**Note:** *The ICNG identifies ‘particularly annoying’ activities that require the addition of 5dB(A) to the predicted level before comparing to the construction NML.*
- (f) identification of feasible and reasonable measures to be implemented to minimise and manage construction noise impacts, including, but not limited to, acoustic enclosures, erection of noise walls (hoardings), respite periods; and
- (g) an **Out-of-hours Work Protocol** for the assessment, management and approval of works ~~associated with the Moorebank Avenue/Anzac Road upgrade, the delivery of the rail link connection, and works required to be undertaken during rail corridor possessions~~, outside of the hours identified in **Condition B125**. The **Out-of-hours Work Protocol** must include:
  - (i) detail an assessment of out-of-hours works against the relevant NMLs and vibration criteria,
  - (ii) provide detailed mitigation measures for any residual impacts (that is, additional to general mitigation measures), including extent of at-receiver treatments, and
  - (iii) include proposed notification arrangements.

**End of modification  
(SSD 7709 MOD 2)**