

The Secretary  
Department of Planning, Housing and Infrastructure  
4 Parramatta Square  
12 Darcy Street  
PARRAMATTA NSW 2150

Arcadis Australia Pacific Pty Ltd  
Level 16, 580 George St  
Sydney NSW 2000  
[www.arcadis.com](http://www.arcadis.com)

Attn: Dominic Crinnion, Director Infrastructure Management

2 October 2024

Dear Dominic,

### **Moorebank Avenue Realignment Project Planning Approval (SSI-10053) – Modification Request**

The purpose of this letter is to request that the Minister for Planning and Public Spaces modify State Significant Infrastructure approval SSI-10053 (**SSI Approval**), pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to incorporate subdivision of land as part of the Moorebank Avenue Realignment Works (**MARW**).

This letter has been prepared:

- Based on discussions between National Intermodal Corporation (**National Intermodal**) and the Department of Planning, Housing and Infrastructure (**DPHI**) on the proposed modification (which occurred in July and September 2024); and
- Having regard to *State Significant Infrastructure Guidelines* dated March 2024, particularly *Appendix F: preparing a modification report* dated October 2022. Given the minor nature of the modification and with the agreement of DPHI, the form of this Modification Report has been condensed.

An updated project description has not been provided as the only change is for the inclusion of ‘subdivision’, which is considered to result in only a minor material change to the approved description.

### **Introduction and Strategic Context**

#### *Proponent*

National Intermodal is the proponent of SSI Approval SSI-10053.

#### *Background*

The Sydney Intermodal Terminal Alliance (**SIMTA**) and National Intermodal entered into an agreement in 2015 for SIMTA to develop and operate the Moorebank Intermodal Terminal Precinct across 243 hectares of SIMTA and Commonwealth owned land under a 99 year lease.

To enable full operation of the Precinct, National Intermodal proposes to realign and upgrade a section of Moorebank Avenue. This is referred to as the Moorebank Avenue Realignment Project (**the Project**).

The Project is declared to be State Significant Infrastructure (**SSI**), pursuant to section 5.12(4) of the EP&A Act and Schedule 4, Part 2, Section 7 of the *State Environmental Planning Policy (Planning Systems) 2021*.

Pursuant to the Planning Secretary's Environmental Assessment Requirements (**SEARs**) issued on 1 March 2021, an Environmental Impact Statement (**EIS**) for the Project was completed in March 2021 to describe and assess the Project and identify management measures to address impacts. The EIS was exhibited by the then NSW Department of Planning, Industry and Environment (**DPIE**) from 17 March 2021 to 13 April 2021 to give the community and stakeholders the opportunity to provide comment. A Response to Submissions report was submitted in May 2021 to document feedback and issues raised by stakeholders, alterations to the Project, additional environmental assessments undertaken and revised environmental management measures for the Project.

The Project was approved by a delegate of the then NSW Minister for Planning and Public Spaces on 14 October 2021 as State Significant Infrastructure (SSI-10053) under Division 5.2 of the EP&A Act.

The Project as described in the SSI-10053 Approval is: *“Development for the purposes of the Moorebank Avenue Realignment project identified on land as being within the Moorebank Avenue Realignment project on the State Significant Infrastructure Sites Map, including:*

- a) the construction of a multi lane road; and*
- b) ancillary development including, but not limited to, access roads, construction compounds, flood mitigation works, pedestrian and cycling facilities, road modification works, signage, stormwater management, signalised intersections and utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure).*

The approval documentation (EIS, Response to Submissions and SSI Approval Instrument) indicates that the completed Moorebank Avenue will be dedicated<sup>1</sup> as a public road. Although subdivision is a mechanism utilised for dedication, the approval documentation does not expressly include subdivision of land within the description of the Project.

### **Reason for Modification**

National Intermodal will need to subdivide land to facilitate the dedication of the road corridor as a public road. It also needs to subdivide land to facilitate appropriate access and/or land ownership arrangements, such as with Transport Asset Holding Entity of New South Wales (**TAHE**) and Transport for NSW (**TfNSW**), to facilitate the construction of the Project. As the approval does not expressly permit subdivision, and based on guidance provided by the DPHI, National Intermodal is seeking a modification to the SSI Approval to expressly permit subdivision for the purposes of (or in connection with) the Project.

### **Description of Modification**

National Intermodal request a modification to SSI-10053 to approve any subdivisions required for the purpose of, or in connection with the Project. This subdivision may include, but is not limited to, subdivision required for property acquisition and dedication. Other subdivisions may also be undertaken for the purpose of the Project, including boundary realignments (if required).

An example of a subdivision which is required for acquisition of TAHE land is provided at Attachment A. A draft subdivision plan for the MARW alignment is also provided at Attachment B. Both are draft and indicative - a final subdivision plan would be submitted as per the proposed conditions below.

---

<sup>1</sup> EIS – refer to Section 2.2, Rts refer to Table 4.7, SSI Approval Instrument – Conditions E44, E45 and E58.

National Intermodal requests that the SSI 10053 Approval be modified as shown in Table 1 (additions underlined and bold, deletions bold and struck through):

Table 1 Proposed modifications to SSI 10053

Condition No.	Approved condition	Modified condition
Schedule 1, Description of State Significant Infrastructure	Development for the purposes of the Moorebank Avenue Realignment project on land identified as being within the Moorebank Avenue Realignment project on the State Significant Infrastructure Sites Map, including—  (a) the construction of a multi lane road, and (b) ancillary development including, but not limited to, access roads, construction compounds, flood mitigation works, pedestrian and cycling facilities, road modification works, signage, stormwater management, signalised intersections and utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure).	Development for the purposes of the Moorebank Avenue Realignment project on land identified as being within the Moorebank Avenue Realignment project on the State Significant Infrastructure Sites Map, including—  (a) the construction of a multi lane road, <del>and</del>  (b) ancillary development including, but not limited to, access roads, construction compounds, flood mitigation works, pedestrian and cycling facilities, road modification works, signage, stormwater management, signalised intersections and utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure); <del>and</del>  <b><u>(c) subdivision of land</u></b>
Schedule 2, A1	The Proponent must carry out the SSI in accordance with the terms of this approval and generally in accordance with the:  (a) Moorebank Avenue Realignment Environmental Impact Statement Volume 1 and Volume 2 prepared by EMM for Sydney Intermodal Terminal Alliance dated March 2021; and  (b) Moorebank Avenue Realignment Response to Submissions prepared for Sydney Intermodal Terminal Alliance dated May 2021	The Proponent must carry out the SSI in accordance with the terms of this approval and generally in accordance with the:  (a) Moorebank Avenue Realignment Environmental Impact Statement Volume 1 and Volume 2 prepared by EMM for Sydney Intermodal Terminal Alliance dated March 2021; <del>and</del>  (b) Moorebank Avenue Realignment Response to Submissions prepared for Sydney Intermodal Terminal Alliance dated May 2021 <del>and</del>

		<b><u>(c)</u> Moorebank Avenue Realignment Project Planning Approval (SSI-10053) – Modification Request <i>dated 2 October 2024</i></b>
Subdivision condition  Part A	N/A	<b>SUBDIVISION OF LAND</b>  <b>A45. The Proponent may subdivide land for the purposes of, and otherwise in connection with, the Moorebank Avenue Realignment project. Prior to obtaining a Subdivision Certificate, the Proponent shall prepare and submit to the Secretary a final subdivision plan(s) for the land.</b>

### Statutory Context

This modification is requested in accordance with section 5.25 of the EP&A Act.

### Environmental Impact Assessment

This modification will not involve any physical works. The subdivisions proposed will not change the design, construction or operation of the Project, as approved, noting that ancillary development for the purposes of the Project and specifically dedication is contemplated as part of the existing SSI 10053 Approval (refer to Conditions E44 and E45).

There are no additional environmental impacts that will occur by permitting subdivision of land for the purposes of (or in connection with) the Project and therefore no further environmental assessment is considered necessary to support the request for modification. The modification will not alter the approved mitigation measures.

## Conclusion and Justification

National Intermodal are seeking a modification to the SSI-10053 Approval, pursuant to Section 5.25 of the EP&A Act, to facilitate multiple subdivisions for the purposes of the development of the Moorebank Avenue Realignment Project.

Authority to subdivide land is required for the purposes of the Project, including, but not limited to, dedicating the road; and enabling the Proponent to make access and/or land ownership arrangements with key stakeholders to facilitate the construction and operation of the Project. The intended subdivisions will not alter the environmental impacts or require changes to any mitigation measures which must be implemented in accordance with the SSI 10053 Approval.

Please do not hesitate to contact Westley Owers (Senior Manager – National Intermodal – 0451 105 610, [westley.owers@nationalintermodal.com.au](mailto:westley.owers@nationalintermodal.com.au)) should you have any questions.

Yours sincerely,



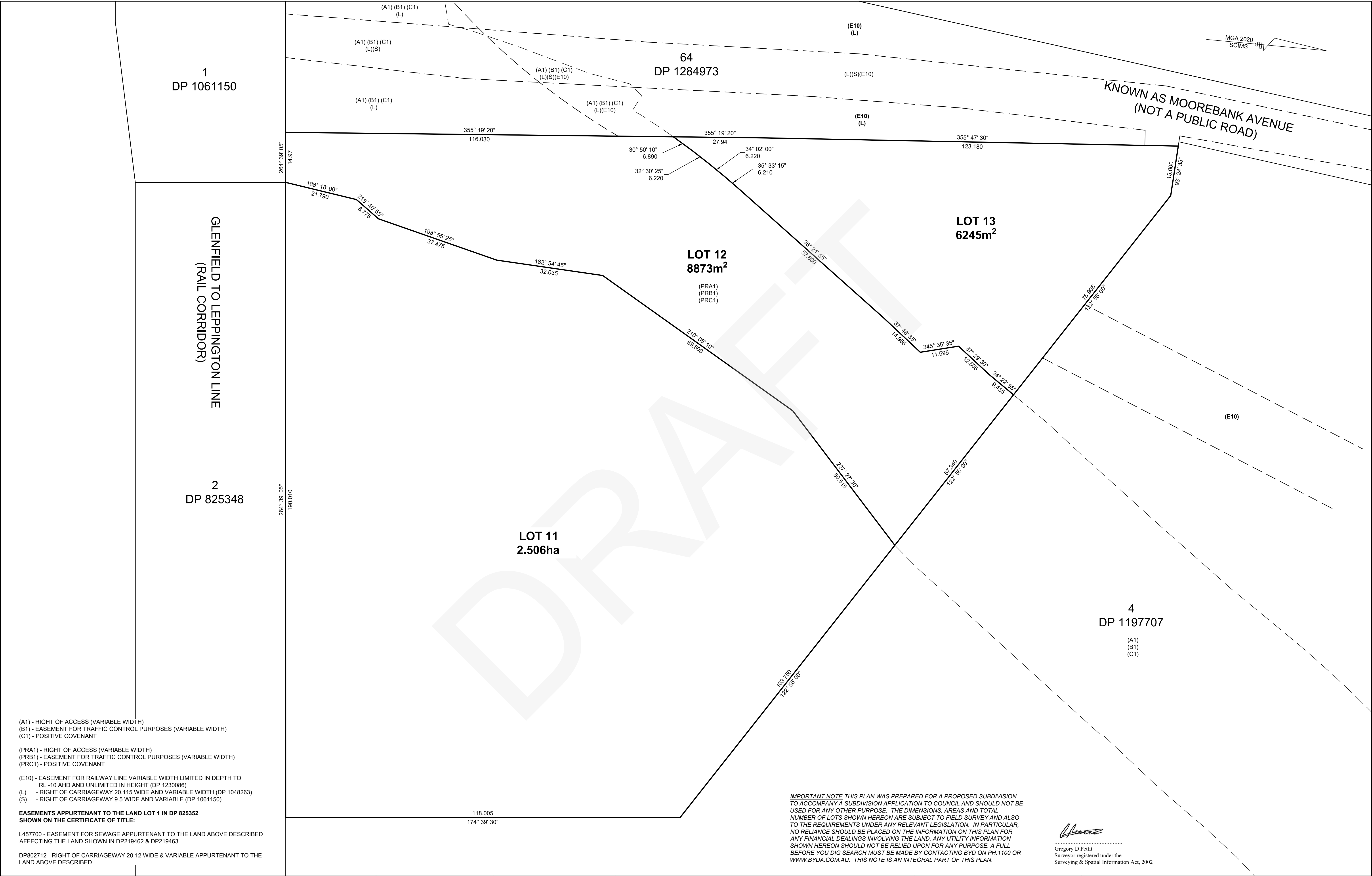
Peter Rand  
Senior Technical Director  
M: 0408 468 401  
E: [peter.rand@arcadis.com](mailto:peter.rand@arcadis.com)

## Attachments

**Attachment A** – Subdivision required for acquisition of TAHE land

**Attachment B** – Draft subdivision plan for the Moorebank Avenue Realignment

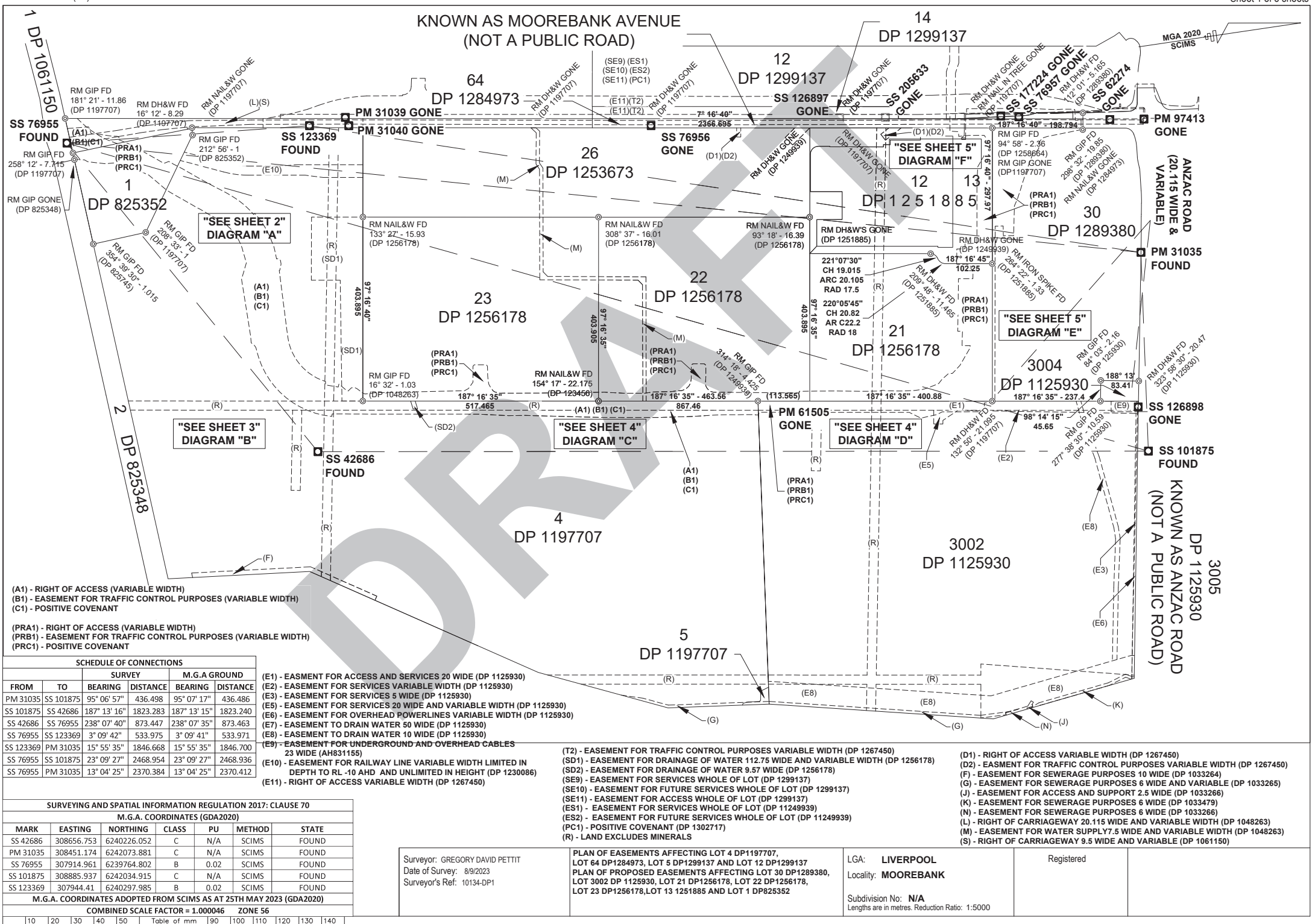


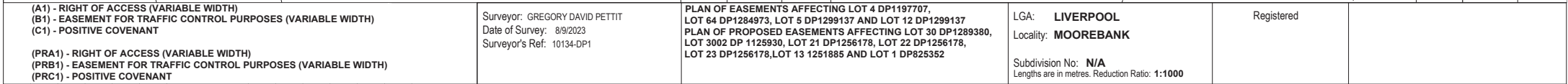


					DRAWING SCALE:	1:500	<div>DRAWN BY: GEO IMAGE SERVICES</div> <div></div>	<div>CLIENT: NATIONAL INTERMODAL CORPORATION</div> <div></div>	DRAWN:	GREG PETTIT	LOCATION: MOOREBANK				
					DRAWING ISSUE DATE:	26.08.2024			DRAFTING CHECK:	GREG PETTIT	NATIONAL INTERMODAL CORPORATION PLAN OF PROPOSED SUBDIVISION OF LOT 1 IN DP 825352				
5	REMOVE PROPOSED EASEMENT FROM PROPOSED LOT 11	GP	GP	16.09.24	COORDINATE SYSTEM:	MGA2020			SURVEYOR:	N/A					
4	AMEND DIMENSIONS AND AREA	GP	GP	16.09.24	HEIGHT DATUM:	N/A			APPROVED:	GREG PETTIT	DRAWING STATUS:	ISSUED FOR INFORMATION	CAD DRAWING No.	SHEET COUNT:	REV.
3	SHOW PROPOSED EASEMENT & EXISTING EASMENTS	GP	GP	26.08.24							10134-SUBD-001	01 OF 01	5		
2	UPDATED TO A THREE (3) LOT SUBDIVISION	GP	GP	16.08.24											
1	INITIAL ISSUE FOR DEVELOPMENT APPLICATION	SH	GP	19.07.24											
REV	AMENDMENT DESCRIPTIONS	DRAWN	APPROVED	DATE	A1 ORIGINAL DO NOT SCALE DRAWING										

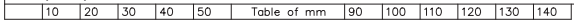


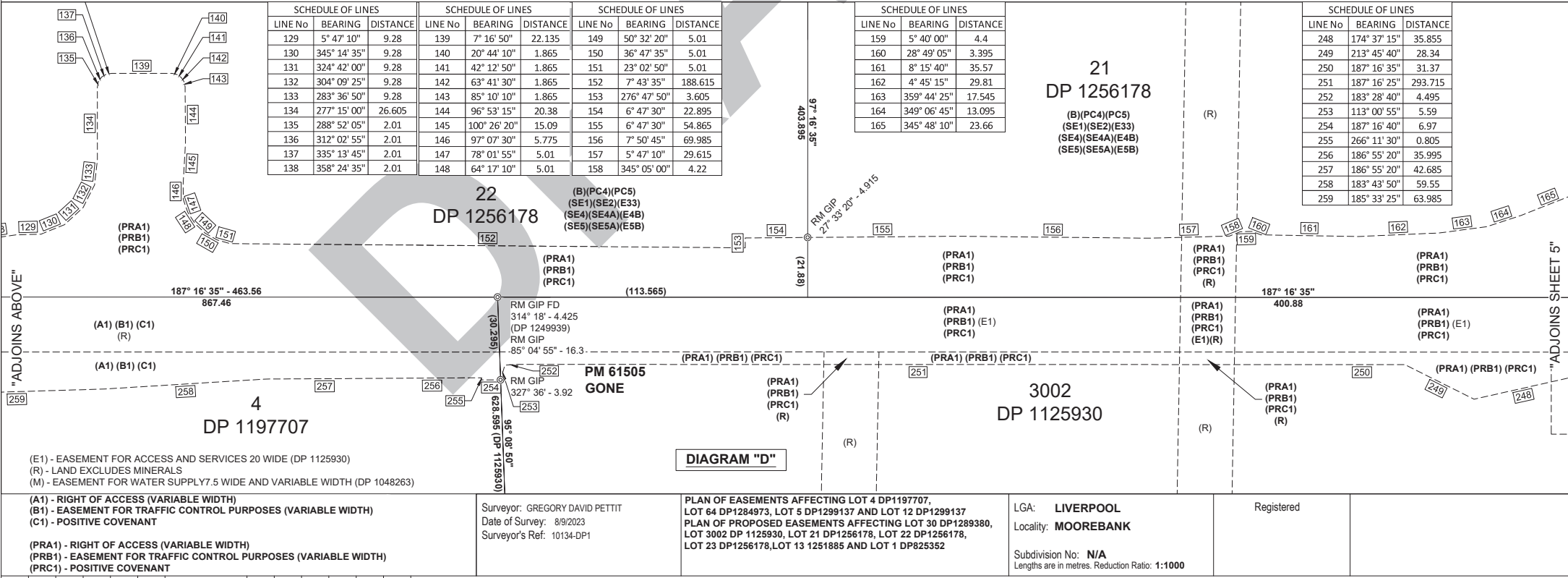
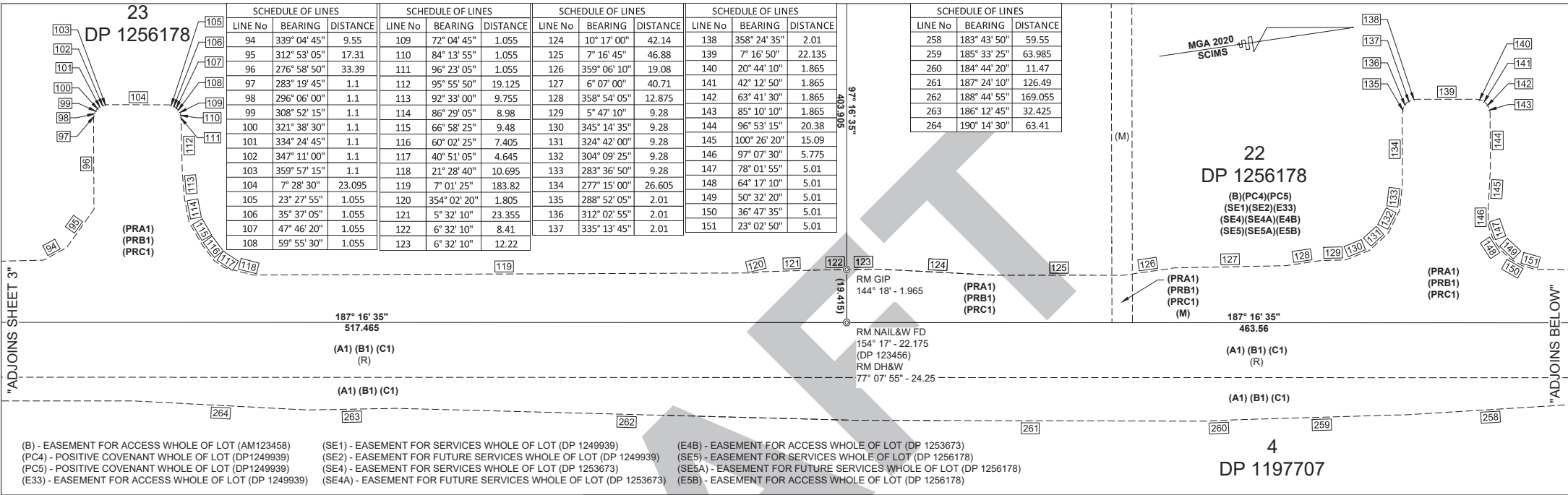




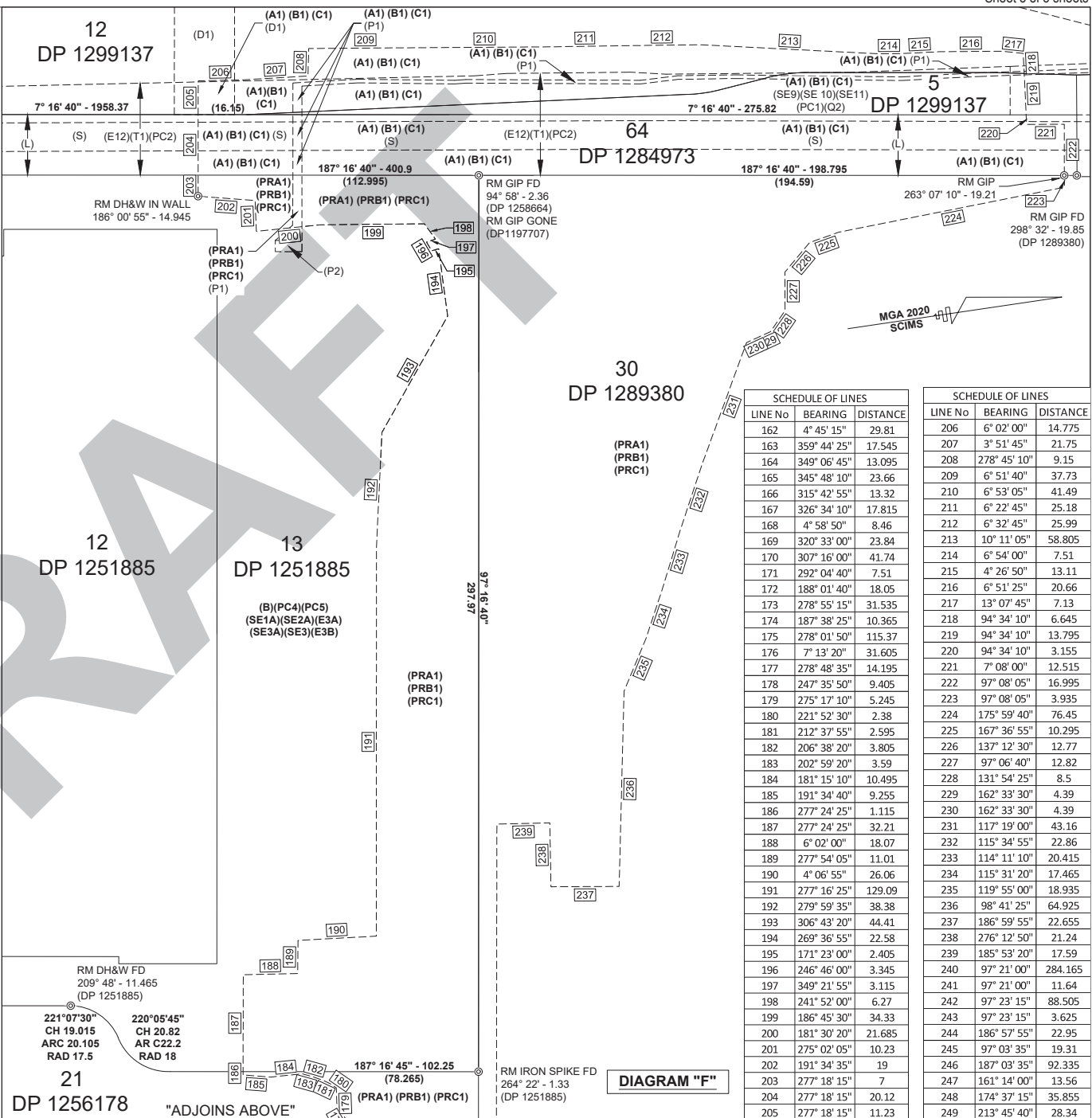


SCHEDULE OF LINES		
LINE	BEARING	DISTANCE
1	2° 42' 55"	46.525
2	75° 12' 25"	16.41
3	10° 41' 15"	7.585
4	13° 24' 20"	14.77
5	15° 18' 40"	22.115
6	9° 15' 20"	12.685
7	39° 59' 50"	5
8	116° 29' 20"	5.175
9	22° 17' 15"	2.795
10	27° 56' 15"	6.22
11	29° 27' 40"	5.55
12	30° 50' 10"	6.89
13	32° 30' 25"	6.22
14	34° 02' 00"	6.22
15	35° 33' 15"	6.21
16	36° 21' 55"	57.6
17	37° 38' 25"	14.965
18	345° 35' 35"	11.595
19	37° 29' 30"	12.505
20	34° 22' 55"	9.455
21	34° 22' 55"	12.545
22	37° 31' 30"	14.875
23	36° 46' 10"	29.98
24	36° 13' 10"	29.95
25	34° 10' 10"	25.7
26	35° 34' 35"	6.915
27	36° 38' 40"	7.335
28	37° 58' 20"	7.57
29	39° 09' 20"	10.685
30	42° 23' 55"	10.685
31	45° 38' 30"	10.685
32	48° 53' 00"	10.685
33	52° 07' 35"	10.685
34	55° 22' 10"	10.685
35	325° 24' 20"	3.5
36	56° 44' 05"	7.615
37	58° 55' 50"	7.615
38	61° 07' 35"	7.615
39	63° 19' 20"	7.615
40	65° 31' 10"	7.615
41	67° 42' 55"	7.615
42	69° 54' 40"	7.615
43	72° 06' 25"	7.615
44	74° 18' 10"	7.615
45	76° 30' 00"	7.615
46	75° 33' 05"	8.275
47	82° 53' 00"	6.025
48	84° 21' 10"	6.405
49	85° 43' 05"	7.82
50	85° 42' 50"	7.565
51	355° 52' 20"	4.225
52	49° 36' 05"	6.065
53	87° 20' 05"	7.875
54	108° 25' 50"	13.98
55	175° 49' 20"	1.415









SCHEDULE OF LINES		
LINE No	BEARING	DISTANCE
206	6° 02' 00"	14.775
207	3° 51' 45"	21.75
208	278° 45' 10"	9.15
209	6° 51' 40"	37.73
210	6° 53' 05"	41.49
211	6° 22' 45"	25.18
212	6° 32' 45"	25.99
213	10° 11' 05"	58.805
214	6° 54' 00"	7.51
215	4° 26' 50"	13.11
216	6° 51' 25"	20.66
217	13° 07' 45"	7.13
218	94° 34' 10"	6.645
219	94° 34' 10"	13.795
220	94° 34' 10"	3.155
221	7° 08' 00"	12.515
222	97° 08' 05"	16.995
223	97° 08' 05"	3.935
224	175° 59' 40"	76.45
225	167° 36' 55"	10.295
226	137° 12' 30"	12.77
227	97° 06' 40"	12.82
228	131° 54' 25"	8.5
229	162° 33' 30"	4.39
230	162° 33' 30"	4.39
231	117° 19' 00"	43.16
232	115° 34' 55"	22.86
233	114° 11' 10"	20.415
234	115° 31' 20"	17.465
235	119° 55' 00"	18.935
236	98° 41' 25"	64.925
237	186° 59' 55"	22.655
238	276° 12' 50"	21.24
239	185° 53' 20"	17.59
240	97° 21' 00"	284.165
241	97° 21' 00"	11.64
242	97° 23' 15"	88.505
243	97° 23' 15"	3.625
244	186° 57' 55"	22.95
245	97° 03' 35"	19.31
246	187° 03' 35"	92.335
247	161° 14' 00"	13.56
248	174° 37' 15"	35.855
249	213° 45' 40"	28.34

Registered	
------------	--