

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.



Erica van den Honert
Acting Executive Director
Infrastructure Assessments

Sydney

18 December 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 600,000m² 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

Approved Modification: The modifications set out in Schedule 2.

SCHEDULE 2

The consent is modified as follows:

- (a) Schedule 1, 'Site' is amended to include Lot 1 DP 825352.
- (b) Schedule 2, Part A – Administrative Conditions, Condition A22 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

A22. Prior to construction, the Applicant must prepare amended Development Layout Plans and Design Plans to the satisfaction of the Secretary which achieve the improvements and revisions referred to in conditions **B139 and B140** ~~**and B141**~~, including integration of Water Sensitive Urban Design (WSUD) and landscape design.

- (c) Schedule 2, Part B – Environmental Performance and Management, Condition B34(e) is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

(e). an Erosion and Sediment Control Plan (see condition ~~**B40**~~ **B39**)

- (d) Schedule 2, Part B – Environmental Performance and Management, Condition B40 is amended to include the following note:

Note: The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

- (e) Schedule 2, Part B – Environmental Performance and Management, Condition B44 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

B44. The Stormwater Monitoring Program must:

- (a) assess water quality and quantity performance for ~~**construction**~~ **operation** discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and
- (b) include sampling locations and the frequency of sampling including wet weather sampling.

- (f) Schedule 2, Part B – Environmental Performance and Management, Condition B92 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

B92. Prior to commencement of Early Works and Fill Importation, the Applicant must prepare a Heritage Management Plan to the satisfaction of the Secretary. The plan must form part of the CEMP required by ~~**C3**~~ **C1** and must:

- (a) be prepared by a suitably qualified and experienced person(s)
- (b) be prepared in consultation with NSW Heritage Division, Council, relevant landowners and stakeholders including the Moorebank Heritage Group (MHG) and Department of Defence.

- (g) Schedule 2, Part B – Environmental Performance and Management, Condition B99 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

- B99. If any Aboriginal object or Aboriginal place is identified on site, or suspected on site:
~~(b)(a)~~ all work in the immediate vicinity of the object or place must cease immediately
~~(j)~~ (b) a 10m buffer area around the object or place must be cordoned off; and
~~(k)(c)~~ OEH must be contacted immediately.
- (h) Schedule 2, Part B – Environmental Performance and Management, Condition B139(d)(iii) is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:
- B139(d)(iii). UDLP required by condition ~~B141~~ **B140**.
- (i) Schedule 2, Part B – Environmental Performance and Management, Condition B140(l) is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:
- B140(l). Details of how the principles of Ecologically Sustainable Development listed at condition ~~B143~~ **B142**, in particular rainwater capture and reuse and energy efficiency have been incorporated into the UDLP and final Stormwater Management Plan plans required by Condition B40.
- (j) Schedule 2, Part B – Environmental Performance and Management, Condition B140(o) is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:
- B140(o). Details of where and how recommendations from the **Construction** Flora and Fauna Management Plan for ~~the~~ adjoining offset area (condition B108) **and the requirements of condition B140(e) and (f)** have been incorporated into the UDLP.
- (k) Schedule 2, Part B – Environmental Performance and Management, Condition B141(f) is amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:
- B141(f). **Signage Sub Plan** to assist in the management of individual building, wayfinding and common directory signage associated with the development. The Plan must be prepared by a suitably experienced and qualified person(s) and submitted to the Secretary for approval.
- The Plan must detail the design, illumination, construction, timing and responsibility for the delivery and maintenance of individual building and common directory signage and take into account the following considerations:
- (i) provision of wayfinding signage for internal streets to individual buildings and loading docks;
 - (ii) individual building signage integration within building forms ~~no higher than 3m above the finished ground~~;
 - (iii) no general advertising;
 - (iv) no form of moving or flashing signs;
 - (v) no east or south facing illuminated building signage **is to be visible from residences**;
 - (vi) details of the location and specifications of the common directory board;
 - (vii) signs are to display corporate logos and company names and must not to occupy more than 10% of any façade or wall of building; and

(viii) internally illuminated signs that are visible from residences are not permitted.

The approved common directory board and wayfinding signs plan must be implemented prior to occupation of the warehouse and freight village.

- (l) Schedule 2, Part B – Environmental Performance and Management, is amended by the insertion of Condition B141A as follows:

B141A. No east or south facing illuminated building signage is to be visible from residences, and internally illuminated signs that are visible from residences are not permitted.

- (m) Schedule 2, Part C – Environmental Management, Reporting and Auditing, Condition C9(c) is amended by the insertion of the bold and underlined words/numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

C9(c). The submission of an audit report under condition ~~C18~~ C19.

- (n) Schedule 2, Part C – Environmental Management, Reporting and Auditing, Condition C21 is amended by the insertion of the bold and underlined words/numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

C21. The Proponent must prepare and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Compliance Tracking Program must be submitted to the Secretary for approval prior to the commencement of construction.

The Compliance Tracking Program must include, but not be limited to:

- (a) provision for the notification of the Secretary prior to the commencement of construction and prior to the commencement of operation of the development (including prior to each stage, where works are being staged);
- (b) provision for periodic review of the compliance status of the development against the requirements of this approval and the environmental management measures committed to in the documents referred to in condition A2;
- (c) provision for periodic reporting of compliance status to the Secretary, including but not limited to:
 - (i) a Pre-Construction Compliance Report prior to the commencement of construction,
 - (ii) ~~quarterly~~ six-monthly Construction Compliance Reports, for the duration of construction, and
 - (iii) a Pre-Operation Compliance Report prior to the commencement of operation, and six monthly operational compliance reports;
- (d) a program for independent environmental auditing;
- (e) mechanisms for recording environmental incidents during construction and actions taken in response to those incidents;
- (f) provision for reporting environmental incidents to the Secretary during construction; and
- (g) procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management; and (h) provision for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

- (o) Schedule 2, Part C – Environmental Management, Reporting and Auditing, Condition C23 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

C23. Construction must not commence until an ER nominated under ~~C24~~ **C22** has been approved by the Secretary.

**End of modification
(SSD 7628 MOD 3)**