



Moorebank Intermodal Precinct State Environmental Planning Policy – Explanation of Intended Effect

Discussion Paper

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Executive Summary

The following information is provided as an Explanation of the Intended Effect under section 3.30 of the *Environmental Planning and Assessment Act 1979* (the Act) for a proposed State Environmental Planning Policy that will apply in the Moorebank Intermodal Precinct (Moorebank SEPP).

The Moorebank Intermodal Precinct is a nationally significant infrastructure development that will transform the way containerised freight moves through Port Botany and deliver a faster, simpler, and more cost-effective service for business and consumers. The proposed Moorebank SEPP looks to streamline the delivery of low impact development within the Precinct. This will provide for the timely development of the Precinct to service the growing freight needs across Western Sydney, NSW and nationally.

This Explanation of Intended Effect (EIE) proposes that the Moorebank SEPP will:

- Provide a consistent planning regime for the development and delivery of the Moorebank Intermodal Precinct.
- Identify certain development as exempt development within the Precinct, which will have minimal impact.
- Identify certain development as complying development, along with appropriate development standards and monitoring requirements; and
- Define which existing conditions attached to the relevant development consents within the Precinct should not be impliedly overridden or contravened by any part of the proposed SEPP.

The Moorebank SEPP will include exempt and complying development provisions that enable an appropriate level of environmental assessment, commensurate with the impacts of the development. It will be supported by an amendment to the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation 2000) along with an amendment to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017 (Stop Regulation 2017).

Introduction

As NSW recovers from the COVID-19 pandemic the planning system has an important role to play. There will be a focus on ensuring that the planning system supports the recovering economy, particularly through facilitating new projects which make a significant contribution to the retention and creation of jobs.

In 2004, the Commonwealth Government announced that Moorebank would be considered as a location for a major intermodal freight terminal. In 2005, the NSW Government identified Moorebank as a key strategic location for increased intermodal capacity to serve freight logistics centres in Sydney's south-west.

NSW Ports forecasts that the volume of freight moving through Port Botany will more than double by 2031. This will significantly increase pressure on Sydney's road network, given the high proportion of containers currently transported by truck rather than train. As such, moving more freight by rail, rather than by road, is a key part of both Commonwealth and NSW transport strategies.

In December 2012, the Australian Government created the Moorebank Intermodal Company (MIC) to oversee the development of the Moorebank Intermodal Terminal and to work in partnership with Industry to achieve the project's full potential. MIC entered a contractual agreement with Sydney Intermodal Terminal Alliance (SIMTA) in June 2015 to develop the project on a whole of the precinct basis.

The Moorebank Precinct already benefits from existing planning approvals, granted as early as 2014, prior to the agreement between MIC and SIMTA. The approvals allow for, amongst other facilities, an interstate terminal which can move significant levels of twenty-foot equivalent unit containers (TEUs) by rail, to and from interstate and regional centres, removing thousands of existing long haulage truck journeys.

The new planning regime for the Precinct aims to streamline the planning process by facilitating efficient planning pathways for lower impact development, specifically tailored to the site. These new pathways will reduce costly project delays for small scale, lower impact projects and enable the timely delivery of important warehousing, logistics and freight village facilities at the precinct to create jobs and support economic recovery and growth in NSW.

Purpose of New Moorebank SEPP

Planning approvals have already been granted for Moorebank Precinct East and Moorebank Precinct West. The existing planning approvals offer limited flexibility to move the location of specific development within the overall Precinct, without complex development assessment processes to modify consents, even for lower impact and small-scale works.

An opportunity has been identified to develop a planning framework that is more responsive to the Precinct's development needs, as well as enabling this nationally significant Intermodal Precinct to function as a fully integrated facility.

The proposed improvements will facilitate a pathway for development at the site that have acceptable environmental impacts, to be progressed as exempt or complying development. It will also ensure that there is an appropriate level of environmental assessment, where required, commensurate with the impacts of the development.

The Moorebank SEPP aims to:

- Provide a consistent and efficient planning regime for the development and delivery of the Moorebank Precinct.
- Identify certain development within the Precinct as exempt or complying development; and
- Provide greater flexibility with the approved development at Moorebank Precinct, including facilitating a potential for an increase in height and gross floor area beyond what has been approved under the concept and project approvals at the site. This would relate to specific types of development at certain locations within the Precinct, as explained in more detail in the following sections of this EIE.

NSW Planning Reform Action Plan

The NSW Government has introduced a suite of reforms to deliver a better planning system for NSW. Work is underway to improve assessment timeframes and reduce complexity in the planning system.

The Moorebank SEPP and supporting Regulation aligns with the initiatives that seek to improve the planning system by shortening time frames, getting rid of blockages and providing more transparency to the community, which would include the publication on the Department's website of the traffic monitoring information for the Precinct.

The introduction of the exempt and complying provisions as they relate to the Precinct will offer a fast-tracked approval pathway for a greater range of low impact development. This means projects that meet strict construction and building standards will be signed off faster by council or an accredited certifier.

Planning Approvals Context

There are various existing planning approvals that apply to the site including concept approvals, detailed development consents and modifications to those various consents. A Voluntary Planning Agreement has also been negotiated for the site. The main Concept Plan and State Significant Development approvals are set out below.

Moorebank East Precinct

- Concept Plan (MP10_0193 as modified) – Development of an import/export port shuttle freight terminal (of 250,000 TEUs p.a.) with associated warehousing and estate works. Approved on 29/04/2014.
- Stage 1 (SSD 6766) – Construction of an intermodal facility (up to 250,000 TEUs p.a.) rail link and associated works. Approved on 12/12/2016.
- Stage 2 (SSD 7628 as modified) – Development incorporating earthworks, 300,000m² GFA of warehousing, 8,000m² freight village, road upgrades and ancillary works; importation 600,000 m³ fill. Approved on 31/1/2018.

Moorebank Precinct West

- Concept Proposal and Stage 1 Early Works (SSD 5506 as modified) – Development of an import/export port shuttle freight terminal (500,000 TEUs p.a.) and a separate interstate/intrastate freight terminal (550,000 TEUs p.a.) and associated warehousing and estate infrastructure and related works. Approved on 03/06/2016.
- Stage 2 (SSD 7709 as modified) – Construction of an import/export port shuttle freight terminal (500,000 TEUs p.a.); 215,000m² GFA warehousing and distribution facilities; 800m² GFA freight village; importation of 1.6million m³ uncompacted fill. Approved on 11/11/2019.
- Stage 3 (SSD 10431) - Establishment of a construction compound to facilitate site development works for future stages, ancillary works including access roads, earthworks, utilities, stormwater and drainage infrastructure, landscaping, and progressive subdivision of the site into nine allotments. Approved on 13/05/2021.

There have been several modification applications to the SSD approvals listed above.

This new SEPP proposes to streamline the approvals pathway in circumstances where the key environmental impacts of the project have already been assessed, or they are of minimal environmental impact.

Where this has occurred, specific development would be permitted either through an exempt or complying development pathway, thereby potentially avoiding the need for further SSD applications and modifications to be prepared and lodged with the Department.

Strategic Justification for Proposed Amendment

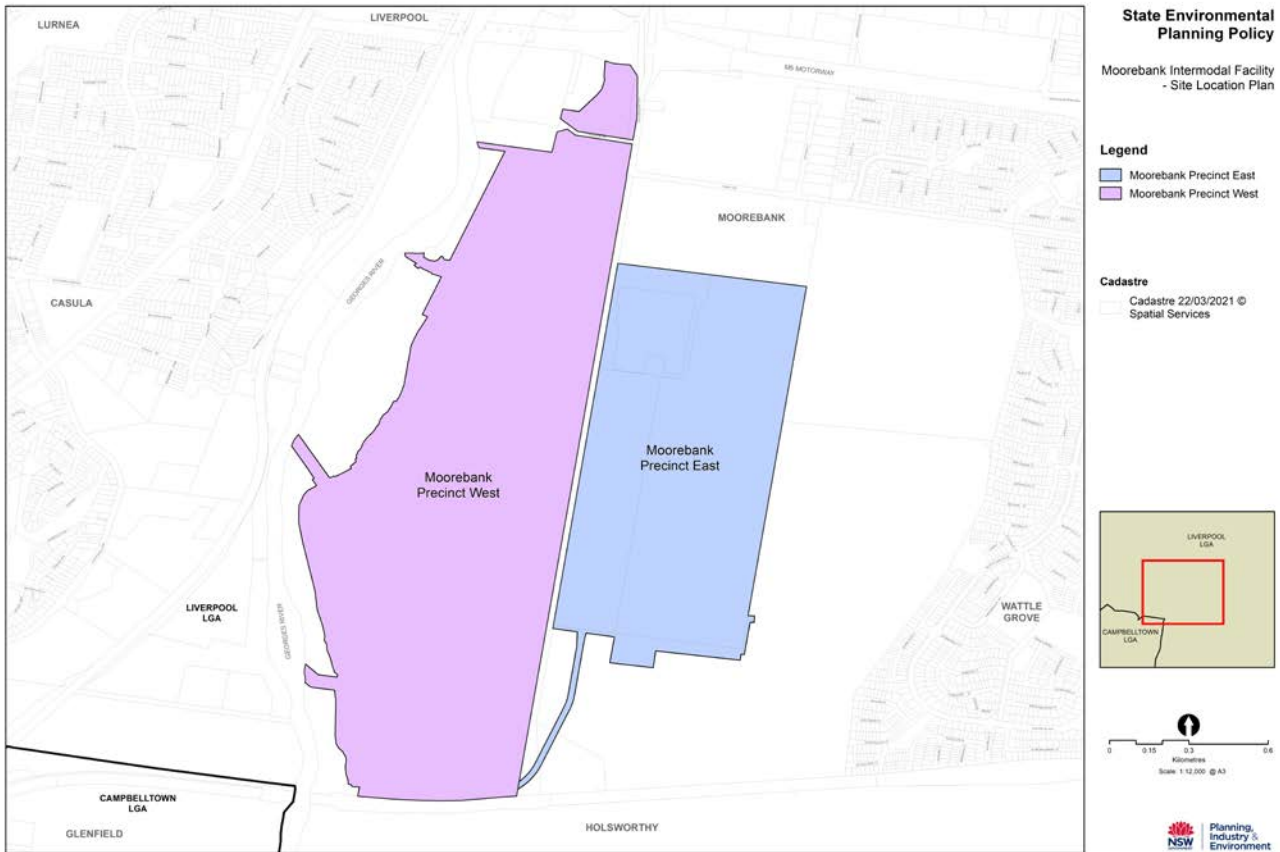
The Moorebank Precinct (as identified in Figure 1 below) is one of Australia's largest freight infrastructure project and will link Port Botany direct to rail terminals and warehousing on a 243-hectare site by a rail connection to the Southern Sydney Freight Line.

The site's location adjacent the freight railway line, the M5 motorway and close to the M7 motorway is ideal for its purpose of boosting productivity and improving transport links both within Sydney, interstate and to regional NSW.

The terminal will enable more freight to make part of its journey by rail. This will reduce the growth in container trucks travelling between Port Botany and west/south west Sydney, and between Sydney and other capital cities or regional areas.

The Moorebank Precinct will be an important driver in protecting and strengthening the NSW and Australian economy in the period following the COVID-19 pandemic. Over the project's lifetime it is anticipated that it will generate an estimated \$11 billion in economic benefits and create approximately 6,800 jobs.

Figure 1 – Moorebank Intermodal Precinct



Construction at the Precinct is well underway, with an intermodal depot already operational and approximately 25% of the total approved warehousing under the concept approvals already occupied. However, to streamline the planning process for the remaining components of this strategically significant site, it is proposed to develop a State Environmental Planning Instrument that introduces the use of development controls tailored to the site and this kind of intermodal facility. If successful, this approach may be applied to other similar facilities across the State.

The Moorebank SEPP will create an exempt and complying regime, specifying precinct-wide development standards, and providing effective planning pathways that seek to strike a balance between timely determination and proportionate level of assessment. Where proposed development within the Precinct would not fall within the provisions of the exempt or complying provisions, the operator will retain the ability to submit a development application for the proposed works where necessary.

The proposed SEPP is consistent with other policies in the current NSW planning framework. The Department has adopted a similar approach in other environmental planning instruments, such as the *State Environmental Planning Policy (Three Ports) 2013* as well as seeking to align with emerging policy being considered as a part of amendment to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. These allow the efficient development and redevelopment of land at the ports. It includes provisions that permit exempt and complying pathways for a range of port facilities and ancillary land uses central to the operation of the port.

Given the efficiencies derived from the Three Ports SEPP, it is proposed that the Moorebank SEPP would introduce controls that are similarly tailored this strategically significant site.

Proposed Provisions of the New Moorebank SEPP

The Moorebank SEPP does not authorise the carrying out of development in contravention of any existing condition of the development consents that apply to the Precinct. Rather, it provides an exempt and complying development regime for certain development within the integrated Precinct.

The exempt development regime will be based upon the framework contained in Schedule 1 of the *State Environmental Planning Policy (Three Ports) 2013* and Part 3, Division 13 of the *State Environmental Planning Policy (Infrastructure) 2007*. It would ensure that development with minor impact could proceed without the need for any approval. The activities that could be carried out as exempt development under this proposal is set out in more detail in Table 1 below.

The complying regime will be based upon the framework contained in both Schedule 2 of the *State Environmental Planning Policy (Three Ports) 2013* and Part 5A of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The activities that could be carried out as complying development under this proposal are set out in more detail in Table 2.

The SEPP will contain a range of development standards including one which specifies which existing development consent condition obligations continue to apply when undertaking development at the site as exempt or complying development under the SEPP. These conditions relate to issues such as noise, air, soil and water quality, road upgrades, environmentally sustainable development, pest and weed control, construction and operations, biodiversity, landscaping, erosion and sediment control, environmental management, stormwater and drainage, bushfire risk management, contamination and remediation, hazards and risks, waste management and emergency response. Furthermore, the SEPP will not override any requirements under other separate legislation, including for example the Roads Act 1993.

It is proposed that the SEPP will permit new warehousing and distribution facilities at the site up to a maximum gross floor area (GFA) of 850,00sqm, whilst facilitating additional height of buildings within the site beyond the currently approved maximum height of 21m, up to a maximum of 45m at limited locations as set out in Figure 3 included later in this EIE.

An outline of the proposed provisions within the new Moorebank SEPP is detailed below.

Table 1 - Exempt development provisions

Proposed amendment	Effect of proposed amendment
A provision allowing building alterations	<p>Allow non-structural alterations to the exteriors of buildings, removal of lead or asbestos, construction or installation of mechanical plant or air conditioning units.</p> <p>Allow internal alterations to a building that do not impact load bearing capacity or result in a change that would impact the effectiveness of existing fire safety measures.</p>
Car Parks	<p>Development of an at grade car park, designed in accordance with relevant Australian Standards, paved with concrete or bituminous surface and designed in a manner that any surface water run-off drains to a stormwater system or landscaped area. Any removed moderate or significant trees necessary for the creation of a car park must be replaced with the provision of at least two new trees.</p>

Proposed amendment	Effect of proposed amendment
Demolition	Demolition of a building in accordance with relevant Australian Standards, except for demolition of; bulk liquid storage tanks used to store, or pipelines used to carry dangerous or combustible liquids, liquified petroleum gas tanks or more than 3 tonnes, or a heritage item.
Driveways	Development of a driveway that is ancillary or incidental to a lawful use of the land where constructed, in accordance with relevant Australian Standards.
Emergency works	<p>Works to maintain or restore a freight intermodal facility, warehouse or distribution centre, freight village or emergency services equipment to ensure public safety, protect buildings or the environment, as a result of the following: a sudden natural event; an accident, equipment failure or structural collapse, or damage caused by vandalism or arson.</p> <p>The works must not disturb soil or vegetation or impact a heritage item any more than necessary.</p>
Fences or gates	Development of a fence or gate, including security boom gate, up to a height of 5m.
Flagpoles	<p>Installation of a flagpole or no more than 21m in height from ground level, or if erected on a building no more than 10m above the highest point of the building.</p> <p>The flagpole must not be located within 20m of any residential boundary of the property and it cannot display any commercial advertisements other than the operator of the Precinct of business located on the site.</p>
Hail netting	Installation of hail netting of up to 12m in height above ground level and of a dark colour.
Investigations	<p>Surveying works for the purpose of investigation of the physical properties of soil or rock, including geotechnical investigation and sediment sampling.</p> <p>Any works must only disturb any soil or vegetation to the extent necessary to carry out the investigations.</p>
Landscaping	The installation of landscaping works and structures, including any landscaping required for drainage purposes.
Lighting	The installation of external lighting and associated structures. The lighting must: comply with relevant Australian Standards, not create nuisance or light spill outside the Precinct, and not exceed 21m in height from ground level or if erected on a building, not exceed 10m above the highest point of the building.

Proposed amendment	Effect of proposed amendment
Maintenance and repair	<p>The maintenance, repair or replacement of fittings, fixtures and infrastructure in relation to development for the purpose of freight intermodal facilities, warehouse or distribution centre or freight village.</p> <p>The work may involve excavation works, but only to the extent necessary to carry out the maintenance, repair or replacement.</p>
Paving	<p>The installation, maintenance or repair of paving, subject to it being designed to withstand relevant loads and to allow surface water run-off to drain into a stormwater drainage system or a landscaped area.</p>
Pedestrian ramps	<p>The construction or installation of pedestrian ramps, paths and mechanical and non-mechanical stairways.</p>
Pre-loading works	<p>Preloading works for compression of soil before construction.</p> <p>The development must only disturb soil or vegetation to the extent necessary to carry out the works, not damage any adjoining buildings or structures, not redirect the flow of surface water run off onto an adjoining lot and only use specific fill.</p>
Movable plant and equipment	<p>The installation and maintenance of movable plant and equipment.</p>
Pollution control	<p>The construction or installation of facilities and works for the purposes of pollution control, work health and safety measures and environmental protection works, including any such facilities and works associated with liquefied petroleum gas storage tanks or fuel storage tanks, noise walls, environmental monitoring stations and stormwater treatment devices.</p> <p>The development must satisfy any applicable pollution control provisions and guidelines.</p>

Proposed amendment	Effect of proposed amendment
Change of use	<p>A change of use from a warehouse or distribution centre to another kind of warehouse or distribution centre.</p> <p>A change of use from a freight village to another kind of freight village.</p> <p>A change of use from a freight intermodal terminal facility to another kind of freight intermodal terminal facility.</p> <p>The above is only exempt development if the land on which the development is carried out is the subject of a contamination statement.</p> <p>The land must also be suitable for the new use and the new use must not result in a change in classification of the building under the BCA, not increase the level of fire hazard and not involve alterations to a building other than alteration which are exempt under this policy.</p>
Railway tracks	The construction or installation of railway tracks, including signals and sidings, and maintenance and replacement works.
Reefer points	The construction or installation of facilities for refrigerated containers.
Retaining walls	The construction or installation of a retaining wall, subject to compliance with relevant Australia Standards and designed to manage the natural flow of stormwater or surface water run-off.
Maintenance to roads and rail infrastructure	The carrying out of minor maintenance, minor repairs and other minor works to roads and rail infrastructure.
Marking out roads	The marking out of roads, including the marking out of parking areas, queuing areas and pedestrian crossings.
Safety and security barriers	The construction or installation, and removal, of safety or security barriers, including jersey barriers, earth berms and bollards.
Satellite dishes	The erection or installation of radio or satellite communication dishes for the purpose of receiving television or radio signals or for use in connection with community band or two-way radio.
Scaffolding	The construction, installation and removal of a scaffold or hoarding, subject to compliance with relevant Australian Standards and being removed as soon as practicable.
Security and monitoring cameras	<p>The construction or installation of security cameras and other devices, including radar, communication devices and microwave receivers for the purposes of monitoring traffic or tracking trucks or for security purposes.</p> <p>The development must not involve the erection of a new structure having a height exceeding 21m above ground level.</p>

Proposed amendment	Effect of proposed amendment
Signage (non-advertising)	<p>The installation of signage, other than advertising structures subject to compliance with relevant Australian Standards.</p> <p>A change to the display on an existing sign, or the maintenance or repair of an existing sign.</p>
Subdivision	<p>The subdivision of land by the operator of the Moorebank Intermodal Freight Precinct, subject to the restriction that subdivision does not result in any lot that is smaller than 2,000m².</p>
Switch rooms and security booths	<p>The erection of a switch room or security booth, up to a gross floor area of 500m².</p>
Temporary structures	<p>The construction or installation, and removal, of a temporary structure, if the structure is used for a period totalling not more than 12 months.</p>
Temporary uses of land	<p>The temporary use of land for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.</p> <p>The use must not prejudice the carrying out of development on the land, adversely impact the amenity of neighbours, adversely impact the environment or increase the risk of natural hazards.</p>
Truck marshalling area	<p>The construction or installation of a truck marshalling area, subject to the area being paved with concrete or bituminous surface, and designed to allow drainage into a stormwater drainage system or to a landscaped area.</p>
Truck and train weighbridges	<p>The construction and installation of a truck weighbridge or a train weighbridge.</p>
Utilities and service facilities	<p>The construction or installation of a utility or service facility, including pipelines (other than pipelines used to carry dangerous goods or pipelines that are the subject of a licence under the <i>Pipelines Act 1967</i>) and stormwater drainage.</p> <p>An overhead structure used to support a pipeline must be at a height that provides adequate clearance for road or rail traffic below the structure.</p>
Wash bays	<p>The construction and installation of wash bays.</p>
Water tanks	<p>The erection of one or more rainwater, or grey water tanks, of up to 20,000 tonnes of water per tank, and the removal of such tanks.</p>
Vegetation management	<p>Minor vegetation management carried out for the purpose of maintaining security or safety and that involves no more disturbance of vegetation than is necessary for that purpose.</p>

Complying development provisions – specific requirements

New warehouse or distribution centres, freight intermodal facility or freight village, along with alterations and additions to such buildings

Complying development provisions are proposed for the construction of new warehouse or distribution centres, freight intermodal facility or freight village, along with alterations and additions to such buildings. It is noted that a 'freight village' is not defined in the *Standard Instrument – Principal LEP*, but it refers to an area containing supporting activities such as management and security offices, meeting rooms, driver facilities, and other business services.

In conjunction with these complying development provisions for warehousing, freight intermodal facilities and freight villages, a development standard will be included in the SEPP that the proposed development will not impact upon the safe and efficient operation of the surrounding local and regional road network. In order for a certifier to determine whether the proposed development complies with this requirement, proponents will be required to submit a Traffic Certificate as part of their complying development certificate application. This will be implemented through an amendment to the EP&A Regulation 2000 and a fee will be charged for this service.

The SEPP will require proponents to obtain a Traffic Certificate from the Planning Secretary for certain developments. The SEPP's requirement for a Traffic Certificate will include the form of the application, who it can be made by, the information that must be provided with the application and the matters that the Secretary must be satisfied of before issuing a Traffic Certificate.

Information which may be required includes baseline traffic monitoring information, proposed vehicles movements for the development and an independent traffic audit in certain circumstances.

An independent traffic audit will only be required if the traffic monitoring data shows levels of heavy vehicles visiting the precinct reach 25%, 50% and 75% of the capacity of the precinct for more than two full weeks consistently, under the full build scenario traffic numbers envisaged by the concept approvals, specific trigger points are:

- 25% - 2,700 heavy vehicles per day
- 50% - 5,400 heavy vehicles per day
- 75% - 8,100 heavy vehicles per day

The SEPP will prevent the Planning Secretary from issuing a Traffic Certificate if:

- He is not satisfied on the information provided that the proposed development would not impact upon the safe and efficient operation of the local road network, or
- The maximum capacity of the fully operational scenario at the Precinct is reached, which is 10,798 heavy vehicles per day.

The Secretary's assessment of the application for a Traffic Certificate will include consultation with the relevant roads authority, including TfNSW, within set timeframes.

Further supporting guidance will be developed regarding the inputs to and delivery of the independent traffic audit.

In circumstances where the Planning Secretary has concerns about a proposal's impact upon the safe and efficient operation of the local road network or where any measures required by the operator of the Precinct to mitigate traffic impacts have not been adequately completed, the Planning Secretary will not be able to issue a Traffic Certificate. In these circumstances, the proponent would need to seek approval for the proposed works through a development application, as identified in Figure 2 below.

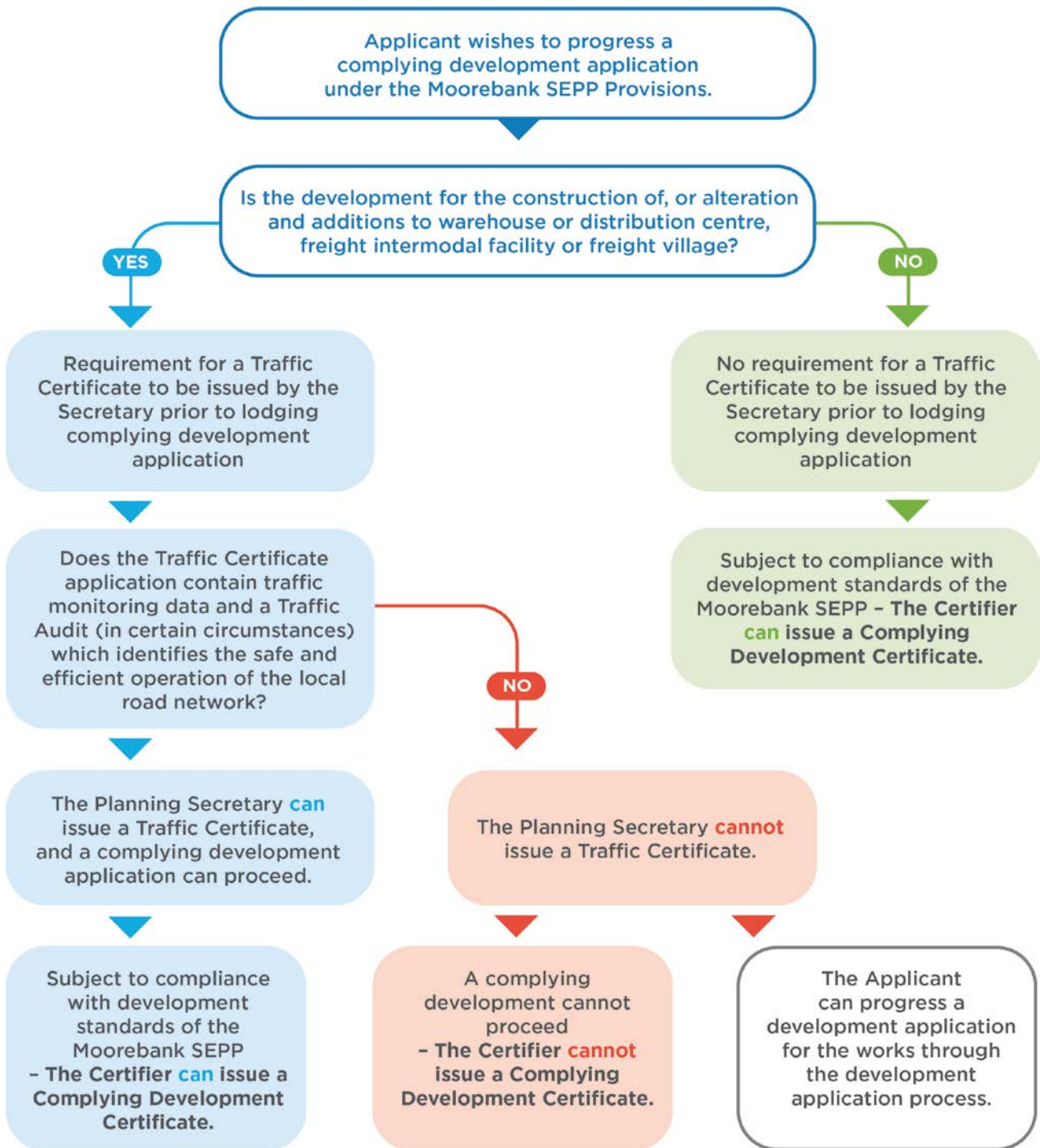


Figure 2 - CDC Process

The intention of this regime is to maintain the safe and efficient operation of the surrounding road network and implement safeguards to prevent any adverse consequences of development within the Precinct under this SEPP.

Other development proposed under the provisions of the SEPP, which does not relate to warehouse or distribution centres, freight intermodal facilities or freight villages, would not be required to obtain a Traffic Certificate prior to lodging a complying development certificate application.

Warehouse heights

The heights of warehousing under the complying development provisions are proposed to be controlled through mapping to be included within the SEPP. This would identify locations where warehouse or distribution buildings up to a maximum height of 45m could be sited. This is to limit the visual impacts of future high bay warehouses within the Moorebank Precinct West, where this provision of a maximum height of 45m would be applicable (see Figure 3 below).

Figure 3 – Indicative warehouse height map



The SEPP would identify that warehouses up to 45m in height would be permitted in only these key locations. There will be a further restriction that the maximum floor area for any part of the building exceeding 18m in height would be up to a maximum of 40% of the total floor area of the warehouse or distribution building. Buildings greater than 21m will be required to meet strict design standards to minimise visual impacts.

Everywhere else within the Precinct, development under the SEPP provisions would be limited to 21m, as per the proposed warehouse and distribution centre heights approved under the Concept Approvals across the Precinct.

An outline of the proposed complying development provisions within the Moorebank SEPP is detailed in Table 2 below.

Table 2 - Proposed complying development provisions

Proposed amendment	Effect of proposed amendment
Provision for the construction of new freight intermodal facilities or alterations and additions to existing freight intermodal facilities	The erection of new freight intermodal facilities on site, along with external or internal alterations to these types of facilities. This site must be subject to a contamination statement or not involve disturbance of soil. The new facilities must be certified by a qualified engineer as having a satisfactory design and structural integrity.
Provision for construction of new freight village or alterations and additions to freight village	<p>The erection of new freight village on site, along with external or internal alterations to these types of buildings. This site must be subject to a contamination statement or not involve disturbance of soil and being a building that can be classified under the <i>Building Code of Australia</i>.</p> <p>This provision would not apply to designated development under the <i>Environmental Planning and Assessment Regulation 2000</i></p> <p>Any increase in GFA as a result of works for a new or extended freight village under this provision is only permissible within Moorebank Precinct West.</p>
Provision for tree pruning	This provision would allow the pruning of a tree if the tree is not listed on Council's significant tree register, is within 3m of proposed development and the tree is less than 8m in height.
Awnings or canopies	The construction or installation of an awning that does not increase gross floor area or reduce accessibility of the building. Subject to the development being not less than 2.7m in height, 3m from the façade measured horizontally, or within 450mm of a kerb edge.
Bridges use for purposes other than roads	The construction of a bridge used for purpose other than a road, must be certified by a qualified engineer.
Conveyor systems	The construction of a conveyor system must be certified by a qualified engineer and if an overhead structure it needs to provide adequate clearance for traffic below.
Cranes	The installation of a new rail mounted crane, crane rails or a fixed crane or replacement of any of these, must be certified by a qualified engineer.
Dry bulk storage silos	The construction of a dry bulk storage silo that is not used for storage of dangerous goods. Must be certified by a qualified engineer.

Proposed amendment	Effect of proposed amendment
Emergency services equipment	<p>The construction or installation, including upgrading and replacing, of emergency services equipment (including fire systems, pumphouses, fire water tanks and other essential fire safety facilities).</p> <p>Subject to not reducing fire safety of the building, detrimentally affecting structural integrity or adversely impacting a fire sprinkler system.</p>
Food and drink premises	<p>The erection of a food and drink premises with a gross floor area of not more than 1,250sqm to serve the onsite working population, and that any food preparation areas comply with relevant Australian Standards.</p>
Importation and placement of fill	<p>Fill material may be imported to, and placed within, the Precinct up to a maximum of 2.3 million m³ (compacted), provided that no more than 22,000 tonnes of fill material is delivered on any day. Subject to conditions on type of fill and remediation of areas where stockpiled.</p>
Change of use (change of building classification or increased fire hazard level)	<p>A change of use from a warehouse or distribution centre to another kind of warehouse or distribution centre.</p> <p>A change of use from a freight village to another kind of freight village.</p> <p>A change of use from a freight intermodal terminal facility to another kind of freight intermodal terminal facility.</p> <p>The above is only complying development if the land on which the development is carried out is the subject of a contamination statement, and if the new use results in an increase in the level of fire hazard arising from the use of a building, appropriate fire safety measures for that increased level of fire hazard must be provided.</p>
Loaders, unloaders and cargo handling facilities	<p>The construction or installation of a new loader or unloader, or associated cargo handling facilities. This is subject to being certified by a qualified engineer.</p>
Retaining walls	<p>The construction of a retaining wall having a height of not more than 6m above ground level (finished). The wall must be certified by a qualified structural engineer if more than 1m in height and comply with relevant Australian Standards.</p>

Other proposed changes

The Moorebank SEPP will be supported by an amendment to the *Environmental Planning & Assessment Regulation 2000 (EP&A Regulation 2000)* along with an amendment to the *EP&A (Savings, Transitional and Other Provisions) Regulation 2017 (Stop Regulation 2017)*. The proposed Regulations, amongst other things, will set up a pre-condition under the EP&A Regulation 2000 that requires a Traffic Certificate be submitted as part of a complying development certificate application for additional floorspace within the Precinct. The Regulation will

also clarify the relationship between the former Part 3A Concept Plan that applies to Moorebank Precinct East (MP10_0193) and the operation of the SEPP.

How to get involved

This document is being exhibited in line with the Department's Community Participation Plan. To make a submission on the amendments proposed in this document please go to the Department of Planning, Industry and Environment's [Planning Portal](#) and complete the submission form.