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16 October 2020

**REQUEST FOR ADDITIONAL INFORMATION (RFI)**  
**Issued by Department of Planning, Industry & Environment (DPIE)**

**RFI issued to:** Aspect Environmental Pty Limited  
**Relevant Application:** SSD 10431 (Moorebank Precinct West Stage 3) –  
under assessment  
**Date of RFI:** 12 October 2020  
**Due Date for Response:** 26 October 2020

DPIE has requested additional information (RFI) (12 October 2020) in relation to the Response to Submissions (RtS) prepared for the MPW Stage 3 (SSD 10431) application regarding agency and public submissions:

- Liverpool City Council (LCC)
- NSW EPA
- Transport for NSW (TfNSW)
- Heritage NSW
- NSW Crown Lands
- Nell and Paul van den Bos submission

A summary of the RFI matters as provided by DPIE, and our responses are provided in the table below.

DPIE RFI Matter and Response to RFI
<i>1. Liverpool City Council</i>
<i>Council maintains its objection to the Proposal, particularly the proposed subdivision and resulting non-compliance with Clause 4.1 of the Liverpool Local Environmental Plan 2008.</i> <i>Council wishes to safeguard the holistic operation and management of the MPW Site and avoid the creation of an industrial park or estate development.</i>
As noted by Council, the (modified) development consent (SSD 5066 MOD 1) includes conditions to enable subdivision of the site as part of a future application. Any of the lots created would be subject to the provisions of the MPW Concept Approval (as modified) and any relevant stage approvals. The proposed subdivision does not seek to amplify or modify the approved industrial operations at the site as envisaged in the Concept Plan (SSD 5066), or have implications on the intended site use as an intermodal facility.

## DPIE RFI Matter and Response to RFI

A Clause 4.6 variation request submitted with the EIS application as an exemption to (reduce) the minimum lot size requirement within the bounds of the MPW Site may be considered by DPIE as part of the EIS assessment process. The proposed exception to the development standard will enable the development's consistency with the intention or requirements of the consent, and allows the development to be executed as intended and as approved.

Subdivision of the MPW Site will facilitate long-term leases for individual tenants using the site's approved facilities, and will enable the long term leasing of buildings and tenancing of individual warehouses and registration of these interests with NSW Land Registry Services in accordance with the *Real Property Act 1900*. In accordance with the MPW Concept approval, the majority of the site (currently largely one large parcel of land) is to be used for warehousing and distribution facilities. The duration of warehousing sub-leases is likely to be greater than 5 years in length, which is not uncommon on large-scale warehousing and distribution projects. The NSW Registrar General guidelines state that 'A lease of land creates a subdivision under s7A Conveyancing Act 1919...when the original term of the lease, together with any option of renewal, is more than 5 years' ([https://rg-guidelines.nswlrs.com.au/deposited\\_plans/lease\\_plans/lease\\_land](https://rg-guidelines.nswlrs.com.au/deposited_plans/lease_plans/lease_land)). This means that leases greater than 5 years must relate to one or more specific, registered parcels of land, not parts of a parcel of land. Therefore the proposed subdivision will enable subdivision of the site into separate allotments so that they can be individually leased for more than 5 years.

As is the case for MPE, relevant Agreements for Lease (Afls) for each of the IMEX terminal, interstate terminal and warehouses would detail responsibilities for the ongoing management and operation of the MPW Site. Responsibility for Precinct environmental management sits with Qube in its function as the Project Delivery Company (PDC) for the Precinct, established under the trust arrangement with the Commonwealth Government. Also consistent with MPE, as tenancies are established for warehousing, relevant terms of the Afls would be extended to be included within those lease documents.

An Operational Environmental Management Plan (OEMP) to align with MPW Conditions of Consent (CoC) would be prepared and submitted to the Secretary for approval, and would outline responsibilities for delivery and ongoing maintenance of estate works on MPW. The implementation of the OEMP, once approved, whilst ultimately the responsibility of the PDC, would also extend to warehouse tenants.

Progressive subdivision of the site will provide for a consistent approach to site operations between MPW and MPE. Subdivision will not compromise a holistic approach to management interdependencies of site areas, and will retain separate functionality including conservation, rail corridor, interstate/intrastate freight terminal, and warehousing and distribution areas. Internal connectivity and interdependencies between the individual intermodal functions within the development site will be maintained through whole of lot easements, and physical works required to service the whole of site will be catered for in the proposed new allotments through a series of easements that are either already in place or would be brought into place upon registration of the land. The commitment to easements is considered sufficient to provide for inter-lot access and infrastructure critical to the integrated operation of the site. Creation of new allotments would provide flexibility to support long term leasing, where required, which is consistent with the longer term utilisation of the site to achieve the strategic benefits of the Project.

*Council is pleased to see the provision for a pedestrian connection to Casula Parklands as indicated on the consolidated landscape plan for the MPW Site, and requests that Council be involved in the design and implementation of such a pedestrian connection over the Georges River.*

Noted.

### 2. NSW EPA

*No additional activities to be added to Environment Protection Licence (EPL 21054).*

## DPIE RFI Matter and Response to RFI

Noted.

*Noise – The EPA has reviewed the RtS and is satisfied with the responses to EPA comments on noise and vibration issues in the EIS.*

Noted.

*Noise – As advised by the EPA comment on the recent MPW Stage 2 modification proposal (SSD 7709 MOD 1), the current noise limits are unachievable for MPW and MPE. EPA has recommended this issue be addressed before determination of the subject MPW Stage 3 Project.*

The NSW EPA response (24 August 2020; document reference DOC20/685169) to MPW Stage 2 SSD 7709 MOD 1 (Building Height Increase) notes that the current noise limits in the consent for MPW (SSD 7709) are unachievable as they were set below the predicted noise levels in the EIS. The EPA also notes that the approach proposed in the Operational Noise Management document prepared by Renzo Tonin (30 June 2020) to support the SSD MOD 1 application is reasonable and in line with current EPA noise policy.

The Applicant concurs that the noise limits as provided in the SSD 7709 consent need to be adjusted to reflect more realistic construction and operational predicted noise levels. It is anticipated that SSD 10431 would remain consistent with SSD 7709.

*Contamination – Formal correspondence was sent by the EPA to Qube on 8 July 2020 seeking copies of the Contamination Management Plan (CMP) and Long-Term Environment Management Plan (LTEMP) as well as other contamination documents required under SSD 7709 conditions B162, B166, B167/B168 and B169. These documents, and evidence of site remediation and validation have not been provided to the EPA to date.*

Tactical have advised that following a discussion with the EPA on 9 September 2020, the documents the EPA referred to will be provided to the EPA following the Site Auditor's approval and/in accordance with the consent.

*Air quality – no further comment*

Noted.

*Soil and Water – The EPA considers that the Applicant has responded adequately to the concerns raised, and provides comments and recommendations in relation to soil and water.*

The Applicant requests replication of SSD 7709 MPW Stage 2 CoC A7 to be applied to MPW Stage 3 SSD 10431 CoC, to enable ENM, along with VENM or other imported material approved in writing by EPA, to be placed on the site, which is consistent with Precinct CoC (SSD 7628 MPE Stage 2 CoC B35).

Further to the requirements of SSD 7709 MPW Stage 2 CoC B171, the Applicant does not agree that a CoC under MPW Stage 3 SSD 10431 for a secondary audit assessment should be required once imported filling has been completed. The purpose of the Site Audit Assessment is to affirm that the site is suitable for the intended use under the CoC, and as by nature of the fill material allowed to be imported to site (ENM, VENM and/or other material that meets all of the requirements of a Resource Recovery Exemption and Order issued by the EPA), the Site Audit Assessment would primarily serve to confirm the emplacement of approved fill material. The Applicant considers that submission to the EPA (as requested) of records of the source, volume and type of fill imported to, and material removed from, the site, along with the implementation of the approved Contamination Management Plan, Long Term Environmental Management Plan and other relevant documentation, would clearly demonstrate consistency with relevant CoC. The Site Audit Statement under SSD 7709 is already applicable to the whole site, inclusive of land within the SSD 10431 footprint.

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### 3. Transport for NSW (TfNSW)

*TfNSW has reviewed the RtS and no further comments are provided at this stage.*

Noted.

### 4. Heritage NSW

*Heritage NSW has reviewed the RtS and has provided recommended conditions of consent.*

Noted.

### 5. NSW Crown Lands

*It is noted that the Proposal adjoins and may drain into the adjoining Crown waterway [Georges River], and that Licence 616970 has been established for this purpose. All conditions of this licence must be adhered to for the duration of the proposal.*

Noted.

### 6. Nell and Paul van den Bos submission (October 2020)

*Concerns regarding inadequate and inaccurate traffic modelling*

Nell and Paul van den Bos (the 'Respondents') have provided a supplementary (second) submission response (October 2020) to the Applicant's original SSD 10431 MPW Stage 3 RtS comments supplied to DPIE (24 August 2020; Table 5-1). The Respondents' supplementary RtS comments (and the subject of this response) to MPW Stage 3 refer to inconsistencies between traffic surveys undertaken in 2010 for the MPW Concept Plan (Technical Paper 1 – Traffic and Transport Impact Assessment; Parsons Brinkerhoff, October 2014) and 2015 for the MPW Stage 2 RtS (Construction Traffic Impact Assessment report; Arcadis, June 2017), and the reliance on these 2010 and 2015 surveys for preparation of supporting traffic impact reports for MPW Stage 2, and subsequently MPW Stage 3.

Ason (27 July 2020) responded to the original RtS submission by Nell and Paul van den Bos (June 2020) in relation to the SSD 10431 MPW Stage 3 EIS, clarifying inconsistencies noted by the Respondents and identified by TfNSW, between the traffic reports prepared for MPW Stage 2 and the MPW Stage 3 Proposal. Ason also clarified in their MPW Stage 3 RtS comments that the MPW Stage 3 Traffic Assessment Report used the more recent 2015 traffic assessment volumes provided in the MPW Stage 2 RtS Construction Traffic Impact Assessment (Arcadis, 2017).

MPW Stage 2 was approved by the Independent Planning Commission (IPC) on 11 November 2019 following an extensive assessment process, including thorough consultation with TfNSW and other authorities, and review of the supporting traffic reports prepared for the MPW Stage 2 EIS and RtS. It is noted that, although there is an interrelationship between the approved MPW Stage 2 traffic modelling and reporting to support MPW Stage 3, the SSD 10431 Proposal is a new SSD application, and notwithstanding any queries regarding validity of (approved) monitoring and reporting for MPW Stage 2, is subject to its own and separate approval.

The proposed MPW Stage 3 development does not propose any material changes to overarching construction or operational traffic volumes approved under MPW Stage 2. Further, the Proposal does not warrant any

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changes to the intersection and road upgrade works already identified and conditioned as part of MPW Stage 2, as there will be no change to the overall importation limits imposed under MPW Stage 2 of 22,000 m<sup>3</sup> fill material per day across MPW and MPE. The Traffic Assessment Report prepared for MPW Stage 3 confirms that no traffic impacts beyond those already identified and assessed under previous approvals are anticipated as part of this Proposal.

We trust that these responses provided to DPIE sufficiently clarifies these matters.

Please don't hesitate to contact me if you have any questions.

Kind regards,



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