

7 February 2019

Stephen O'Connor
Chair
Independent Planning Commission
GPO Box 3415
SYDNEY NSW 2001

Via email: [REDACTED]

Dear Chair

Firstly, thank you for the opportunity to meet with the IPC on 31 January to provide additional information on the subdivision of the Moorebank Precinct East (MPE) (SSD 7628).

We trust our briefing was of assistance to the IPC.

Additionally, we provide some further information for the IPC's consideration with regards to the submission made by Cardno obo Liverpool City Council dated 30 January 2019 (attached for ease of reference).

We would like to respond to some aspects of that submission in the interest of providing the Commission with additional clarity in relation to some of the issues raised.

As the Commission would be aware, the assessment parameters for subdivision within an SSD application were established via the Concept Plan Mod for MPE, submitted concurrently with the SSD 7628 SSD application.

The approved Mod to the Concept Plan introduced additional Future Environmental Assessment Requirements (FEARs).

The DP&E Assessment Report supported approval of the subdivision component in SSD 7628, subject to conditions. However, the then Planning Assessment Commission members determined that additional information would be required.

Contrary to Cardno's submission, under s80(5) of the EP&A Act, consent was not refused and did not preclude future consideration. Hence, the subdivision application which is currently before the IPC.

The DP&E current Assessment report relating to the subdivision identifies the FEARs have, in their view, been satisfactorily addressed and recommends approval subject to conditions.

The Cardno submission does not acknowledge DP&E's proposed conditions of consent that are recommended and publicly available on the IPC website.

In addition, approval of the subdivision component of MPE does not in itself enable registration of the draft subdivision instrument presented in the Subdivision Ancillary Report. There are other steps to be undertaken, inclusive of addressing any requirements of consent conditions, pre-registration.

In summary, this statement made by Cardno,

"...Cardno are of the view that a separate Modification Application is required. The subdivision is premature at this time as the broader estate infrastructure details have not as yet been finalised."

does not recognise the processes completed to date, the standing approvals, or the recommendations and proposed conditions of the DP&E in regard to this application. As such, we believe the above statement is in error.

I hope this is of assistance to the Commission in finalising its determination.

Should you require any further information please contact Steve Ryan of Tactical Group.

We also do not object to the publication of this correspondence on your website should the IPC consider it appropriate to do so.

Yours sincerely



Michael Yiend
MLP Project Director

Our Ref: Letter 001 Ver 1
Contact: Daniel Thompson/Deb Sutherland

30 January 2019

David Smith
Manager Planning and Transport Strategy
Liverpool City Council
33 Moore Street
Liverpool NSW 2170
Via Email: [REDACTED]

Dear David,

RE: STAGE 2 OF THE MOOREBANK PRECINCT EAST PROJECT (SSD 7628) - SUBDIVISION

This report has been prepared by Cardno in response to Liverpool City Council's request for an independent assessment of the subdivision application details recently submitted to the NSW Independent Planning Commission (IPC) and Department of Planning & Environment (DP&E) to be included in the current application details to satisfy (SSD) 7628 consent issued by the NSW Planning Assessment Commission on 31 January 2018.

The Applicant now seeks subdivision approval as part of the current Stage 2 of the Moorebank Precinct East Project (SSD 7628) application. The proposed subdivision plan splits the site into two main sections, being the intermodal rail terminal area (a single lot), and the associated warehousing and freight village development area which would be further subdivided into four lots, encompassing the locations of between one and three approved warehouses.

The overall layout of the site and provision of estate works was approved in the Commission's determinations of MPE Stage 1 and MPE Stage 2, subject to the amendments required in conditions.

Cardno comments

Firstly, we are unsure why the now submitted subdivision details have been submitted under the current application which is to satisfy SSD 7628 consent conditions when subdivision was expressly excluded from that Consent. We believe a separate Modification Application should be required. We note the Commission based its decision to exclude the proposed subdivision from the approval based on their view that the subdivision details submitted with the original SSD 7628 Application lacked critical information including easement details for the subdivision, specifically relating to:

1. Internal vehicle and pedestrian access between the intermodal elements;
2. Utilities; and
3. Drainage

While some of these details have now been provided by the Applicant we believe the subdivision to be premature.

We have reviewed the IPC Determination Report for SSD 7628 and the DP&E Assessment report on the subdivision on the IPC website and agree with comments made including:

- The IPC in their report agreed that it is essential for all the servicing and road access arrangements for the entire site to be finally designed prior to subdivision. This has not as yet taken place.
- The submitted subdivision plan does not clearly show the locations of common land, access roads and services including drainage works- matters that were raised in the earlier MPE Stage 2 Recommendation Report considered by the IPC and required by the IPC for 'future subdivision applications'. We note that some of these details are contained in other documents. However if this is to be the registered plan of subdivision it should contain all such information.
- The proposed commitment to easements is premature at this time as the final location of the broader estate works have not been finalised and cannot be detailed on the plan of subdivision for which consent is being sought. This concern relates to outstanding resolution of the final drainage details and uncertainty regarding the final location of on-site detention (OSD) basin areas on site, and final drainage works to these OSD areas. Accordingly, we agree that the subdivision plan should not be registered until evidence of finalisation of these works and their location has been surveyed and verified.

- In its determination of the Concept modification, the IPC noted the Department's intent that any proposed subdivision needed to be '*appropriate to the purpose and ongoing sustainable management of the facility and the site*', and '*ensure the intent of the original Concept Plan approval, namely that it be an integrated intermodal facility*.' We note that the DP&E report is satisfied with commitments submitted by the Applicant that the entire estate works would be conducted by or on behalf of Qube, as the head-tenant of the site (Qube, in turn acting on behalf of SIMTA, the Applicant for SSD 7628). The Applicant states that the commercial arrangements governing the site establish Qube as a 'Project Delivery Company', with responsibility to manage the site under a precinct management agreement included in the agreement for lease.

In summary, Cardno are of the view that a separate Modification Application is required. The subdivision is premature at this time as the broader estate infrastructure details have not as yet been finalised.

I trust this advice is sufficient. Should you require further clarification of points raised, please contact the undersigned.

Yours faithfully,



Deborah Sutherland

Principal, Senior Town Planning Specialist
for **Cardno**