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Baulkham Hills
NSW 2153

8 April 2021

Mr Bradley James
Principal Case Manager
Office of the Independent Planning Commission NSW
Level 3, 201 Elizabeth Street
Sydney NSW 2000
(by email: Bradley.James@ipcn.nsw.gov.au)

Dear Mr James,

**Re: SSDA 10431 Moorebank Precinct West Stage 3 - IPC Applicant Meeting:
Response to IPC Questions Raised**

We are writing on behalf of the applicant (SIMTA) regarding State significant development application (SSDA) 10431 Moorebank Precinct West Stage 3 (MPW 3) in response to questions raised by the Independent Planning Commission (IPC) at the Applicant Meeting held on 30 March 2021, and subsequent email from the IPC received on 31 March 2021, to provide further information in relation to:

1. Out of Hours Works (OOHW): The types of activities proposed to be covered under the Out of Hours Works Protocol (OOHWP).
2. Subdivision – Estate Management: Holistic operational environmental management of the MPW Site.

The information provided in this letter is intended to inform the IPC in determination of SSDA 10431 MPW 3 Proposal.

1. Out of Hours Works Protocol (OOHWP)

Draft SSD 10431 MPW Stage 3 condition of consent (CoC) B20(i) provides requirements for an OOHWP which allows OOHW to take place under the circumstances specified in CoC C4 (such as an approved variation, an emergency or with Planning Secretary approval) or in accordance with an OOHWP for the importation and placement of fill.

The Applicant seeks to amend the proposed wording of draft CoC B20(i) which currently limits the application of the OOHWP to activities associated with importation of fill material.

The proposed amendment is warranted to include additional types of works that are considered to have beneficial impacts on construction site safety, peak traffic flows on local public roads and the reduction in duration of construction activity.

Examples of likely additional OOHW activities and the benefit of undertaking these works outside regular construction works include (but are not limited to):

1. Services and utility works (relocation, diversion, and installation): where the impacts on traffic can be minimised, disruption to essential services (such as water or sewer) can be avoided or minimized. Undertaking these works outside of construction workers reduces the interface of works in the road environment and the road verge with regular daytime construction traffic on site and general traffic on public roads. This provides enhanced safety outcomes by eliminating or reducing personnel and public exposure to serious hazards.
2. Concrete slab pours and internal fit-out works (i.e. temporary works compound area): where the impacts on surrounding (onsite) construction works are reduced and potential impacts on traffic and construction worker safety are minimised.
3. Dewatering works: where the impact on surrounding (onsite) construction works are reduced.

A revision to OOHWP removing the currently proposed limitation of OOHW to activities associated with importation of fill material is requested for the following reasons:

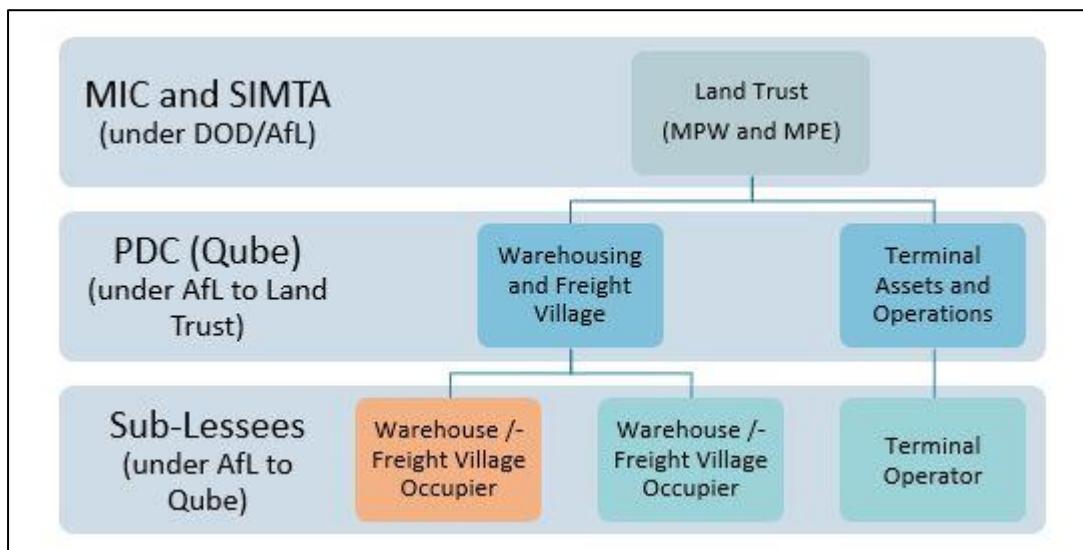
1. The current limitation would mean that should OOHW be required outside of activities specified in CoC C4, prior written approval from the Planning Secretary would be required for relatively minor tasks with minimal impact, where those work activities are not otherwise considered inaudible.
2. The OOHWP already provides for a thorough assessment as, in order to undertake any of the above (or other) works outside standard construction hours, an assessment of likely noise impact is required. The results of this assessment would be documented along with mitigation measures, notification and any approval requirements.
3. A revision to the draft CoC B20(i) would standardize management of OOHW to the adjacent MPE Site OOHWP, which applies to any proposed works outside regular construction hours. As applied on the MPE Site, the process of assessment and approval under an OOHWP, which forms part of the approved MPE Stage 2 Construction Noise and Vibration management Plan (CNVMP), is sufficient in enabling proposed OOHW and managing the potential impacts of OOHW on nearby sensitive receivers.

Potential out of hours construction works (OOHW) are discussed in Section 3.1.1 of the Moorebank Precinct West – Stage 3 Environmental Impact Statement (SSD 10431) (EIS) (Aspect, 2020).

2. Subdivision – Estate Management

Moorebank Precinct Environmental Management is discussed in Section 3.1.2.6 of the EIS, and Moorebank Precinct Operational Management is discussed in Section 3.1.2.7 of the EIS. Further clarification regarding subdivision estate management is provided in Sections 4.1 and 4.12 of the Moorebank Precinct West – Stage 3 Response to Submissions (SSD 10431) (Aspect, 2020), and page 2 of the SSD 10431 Response to RFI October 2020 (Aspect, 2020).

Leasehold arrangements for delivery and operation of the Precinct are presented in the following figure.



SIMTA, as a single entity, and Qube, in its capacity as the Precinct Development Company (PDC) under the Development and Operations Deed (DOD) will be responsible for the overarching holistic operational management of the MPW Site following subdivision, and the delivery and ongoing maintenance within the MLP of site services, internal roads, pedestrian paths, landscaping, lighting of common areas, emergency services including bushfire mitigation, OSD and Water Sensitive Urban Design (WSUD) elements.

Management principles allocating operations and maintenance responsibilities between Qube and site tenants would be incorporated in lease documents which would outline management control and servicing of Precinct components and their respective interaction and interdependency requirements, for example access roads, common roads, and surface drainage infrastructure.

The Agreements for Lease (AfL) between Qube and sub-lessees would document common facilities including rights of access to and from any common facility as well as their maintenance, repair and operation (including cleaning and replacement of fixtures, fittings and any equipment, i.e. fire extinguishers).



Implementation and maintenance of environmental management controls and functions across the site are legally enforceable via compliance with conditions of consent and, specifically, the Operational Environmental Management Plan (OEMP) under Section 4.2 of the EP&A Act, and via the legal obligations attached to lease agreements binding PDC and subsequent lessees and tenants respectively.

A Precinct OEMP, prepared to address the requirements of SSD 6766 MPE Stage 1 CoC F4, SSD 7628 MPE Stage 2 CoC C3, SSD 7628 MPE Subdivision CoC B16, and EPBC 2011/6229, has been implemented for MPE (27 March 2020; Arcadis). The MPE Precinct OEMP documents the operational environmental management measures applied to activities undertaken across the MPE Precinct. Warehouse OEMPs have been supplementarily prepared to clarify individual tenant operational environmental responsibilities.

The arrangement as described above has been implemented for MPE, and MPW is intended to be managed under a comparable framework to that established for the already subdivided MPE. The subdivision of MPW is intended to enable long-term leases whilst managing the site holistically through a Precinct OEMP and facilitated by a legal framework that supports delivery and compliance with the OEMP in relation to the subdivision and/or leasing of the allotments.

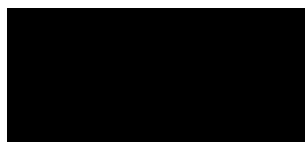
Conclusion

This letter seeks to provide further information to clarify elements of the SSDA 10431 to:

1. Amend CoC B20(i) such that an OOHWP may apply to a broader set of OOHW activities on the MPW Stage 3 Site that would not otherwise be directly permissible under the presently worded Draft CoC B20(i).
2. Clarify the subdivision estate operational environmental management process.

If you require any additional information, please do not hesitate in contacting me.

Kind regards



Richard Johnson
Director
Aspect Environmental
