

Responses to questions from the Independent Planning Commission in relation to the Public Meeting for Moorebank Precinct West – Stage 3 (SSD-10431)

The Independent Planning Commission (the Commission) sought further clarification on matters raised during the Department's presentation at the Public Meeting on 19 April 2021. The Department's response is provided below:

1. Applicant has sought additional flexibility in Department's recommended conditions - Department to comment (Please see Applicant Presentation slides 15, 16 and 17 [here](#) for reference).

Department Response:

The Department considers that the Applicant's suggested changes are not appropriate, as the proposed wording would reduce the certainty provided for in the recommended conditions without, for example, reducing such uncertainty by setting criteria-based outcomes or objectives, or providing clear parameters for changes to be made to the satisfaction of the Planning Secretary.

In relation to the Applicant's proposed condition A2 (d), the Department notes that recommended condition B33 would already permit revised construction layout drawings to be submitted to the Planning Secretary for approval, prior to the commencement of construction. This process ensures that any changes are reviewed to the satisfaction of the Planning Secretary, and is preferable to the Applicant's request that it be able to undertake works "generally in accordance" with its layout.

In relation to the Applicant's proposed condition A2 (f), the Department considers that any change(s) to approved plans of subdivision should be subject of further assessment as part of a potential future modification, consistent with Moorebank Precinct East – Stage 2 (refer to SSD 7628 MOD 3 [here](#)).

The Department does not support changes to the recommended Out of Hours Works (OOHW) Protocol requirements under conditions B20(i) and C4(e). In summary, the Department considered that the Applicant did not provide sufficient detail of, or justification for, what works it would potentially conduct out-of-hours in the MPW Stage 3 application. However, based on the information that was provided, the Department considered that importation and placement of fill material could potentially be managed through an OOHW Protocol, if the Applicant could provide additional justification that completing these works out-of-hours would (for instance) be of benefit to the community from a traffic network operation perspective. The Department does not consider that sufficient information has been made available during the assessment process, or as part of the Applicant's representations to the Commission made following the Department's recommendation, to support other construction works having sufficient public benefit to be considered under an OOHW Protocol.

The Department has consulted extensively with the EPA in regard to site audit statement requirements for MPW Stage 2 and 3, and recommends no change to draft conditions C36, C37 and C38 recommended to the Commission.

2. Does the 16.6m AHD level include structural and/or uncompacted fill?

Department Response:

The Department can advise that the proposed 16.6m AHD finished surface level – referred to under condition A13 of MPW Stage 3 – incorporates uncompacted Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) fill material that would be compacted once emplaced on the site, and is not inclusive of structural fill for warehouse pad completion. Any structural fill

imported to the site for warehouse pad completion would be separate to the proposed finished surface level of 16.6m AHD.

3. The wording of recommended conditions are slightly more broad in Stage 2, compared to Stage 3, especially relation to Environmental Management Plans - Department to provide clarification.

Department Response:

While the Department has recommended conditions that adopt similar requirements to those embodied in the MPW Stage 2 conditions, the Department has taken the opportunity to update the drafting of conditions to:

- incorporate reference to, and adopt the principles of, the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020), which entered into force following the Commission's approval of MPW Stage 2
- rationalise existing requirements based on the scope of the application, in acknowledgement of early works having been conducted on site under existing consents — for example, implementation of Acid Sulfate Soils and Construction Flora and Fauna Management Plans would not be required given the extent of clearing works already completed on site, but relevant management requirements would be managed under the broader Construction Environmental Management Plan
- provide enhanced clarity of expression.

The Department considers this approach to condition-setting is consistent with other recently determined State Significant Development consents. Notwithstanding this, the Department considers that there is utility for the Applicant to update and expand on its existing management plans for the site to include relevant requirements for MPW Stage 3. Recommended condition B18 allows the Applicant to update versions of CEMP documents already approved by the Planning Secretary as part of the MPW Stage 2 consent, as relevant.

4. Could the Department also confirm whether there would be any practical problem (if the Commission were of a mind to grant consent) if the Commission were to carry across the same wording regarding:
a. EMP conditions imposed for Stage 2; and
b. subdivision conditions imposed for Moorebank Precinct East.

Department Response:

The Department considers that the recommended environmental management plan conditions are tailored to the extent of work proposed under the present application, are workable and enforceable, and provide enhanced clarity of requirements as compared to the MPW Stage 2 consent conditions. The Department considers that adopting the MPW Stage 2 EMP conditions verbatim would not provide any more alignment between the EMPs for MPW Stages 2 and 3 than could be achieved by submission of updated EMPs under the proposed condition B18.

The Department does not support carrying across the same wording for subdivision conditions imposed for Moorebank Precinct East. The Department has redrafted the subdivision conditions to better reflect the steps in subdividing the site, in contemplation of the subdivision approach taken for MPE Stage 2, and has tailored the conditions based on the MPW Stage 3 application. In particular, the Department has substantially revised the conditions relating to the Subdivision Staging Plan, to provide additional certainty regarding the documentation and completion of works required at different intervals in the delivery of the development. The Department has also redrafted other conditions in consideration of community and agency submissions, including for example revisiting

the notification of arrangement requirement based on feedback from Endeavour Energy. The Department considers that the proposed subdivision conditions would enhance workability based on experience in regulating the MPE Stage 2 subdivision.

Recommended:



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Approved:



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