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TRANSCRIPT OF PROCEEDINGS

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O/N H-1431123

INDEPENDENT PLANNING COMMISSION

MEETING WITH APPLICANT

RE: MOOREBANK INTERMODAL PRECINCT WEST – STAGE 3

PANEL: **DIANNE LEESON (Chair)**
PROF RICHARD MACKAY AM

ASSISTING PANEL: **BRAD JAMES**

APPLICANT: **RICHARD JOHNSON**
DAN BLYDE
MICHAEL YIEND

ROSA KHOURY GEBRAIL
(Moorebank Intermodal Company)

LOCATION: **VIA VIDEO CONFERENCE**

DATE: **11.37 AM, TUESDAY, 30 MARCH 2021**

MS D. LEESON: Good afternoon and welcome. Before we begin, I would like to acknowledge the traditional owners of the land from which we virtually meet today and pay respects to their elders past, present and emerging. Welcome to the meeting today to discuss the Moorebank Intermodal Precinct West Stage 3 project SSD10431
5 currently before the commission for determination. The stage 3 project seeks approval for the staged subdivisions of the Moorebank Precinct West site into nine allotments. The importation of approximately 280,000 cubic metres of unconsolidated fill for compaction up to the final land level and approximately 540,000 cubic metres of structural fill for warehouse completion. The
10 establishment uses temporary construction work compound area in the southern portion of the MPW site and associated ancillary works.

My name is Dianne Leeson; I'm the chair of this commission panel. I'm joined by my fellow commissioner, Professor Richard Mackay. We're also joined by Brad
15 James from the Office of the Independent Planning Commission and I'll introduce Michael Ying, Dan Blight and Richard Johnson representing the applicant. In the interest of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will b produced and made available on the Commission's website. It is important for the Commissioners
20 to ask questions of attendees and to clarify issues whenever it is considered appropriate.

If you are asked a question and are not in a position to answer, please feel free to take up the question on notice and provide any additional information in writing which we
25 will then put up on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. So welcome again. I understand that you have provided a presentation to the commission office for the purpose of this afternoon's meeting.

30 MR JOHNSON: Yes. We have.

MS LEESON: Thanks, Richard. What we will do is give you the opportunity to make that presentation. And just before you start, I'd like to know whether you'd
35 like to go through it completely before questions or whether you're comfortable for questions along the way. We do have an hour allocated for this afternoon. We can go over the 1.30 time frame because we started a little late, but we're broadly looking at about an hour. So - - -

40 MR JOHNSON: Okay. Richard Johnson, director Aspect Environmental, planning advisor on behalf of Qube. So we put together a presentation. Happy to go through questions as we progress through the document. It's - there's a lot of background information in there to set the context to start with and then we get into some of the detail that addresses some of the points that have been identified by the department
45 in their assessment report and flagged to us by the IPC in setting the agenda.

MS LEESON: Thanks, Richard. Okay. Are you comfortable with that, Richard?

PROF MACKAY: Absolutely.

5 MS LEESON: Yes.

PROF MACKAY: Richard Mackay here. Yes. Absolutely. Here.

10 MR JAMES: Di, sorry to interrupt, we just have someone in the waiting room - - -

MS LEESON: Sure.

MR JAMES: - - - yes. Happy to let me let them in?

15 MS LEESON: Thank you.

MR JAMES: They should be in now. I think they're just connecting. Looks like they're in but no audio or video.

20 MS LEESON: Okay. All right. If there is someone who's online and can hear this conversation, if you can just let us know who we are so – for our records so that we can make sure we've got the transcript correct and the attendees. You may be on mute. Okay.

25 MR JAMES: I'll send a message to the chat, Di, asking confirmation. So - - -

MS LEESON: Thanks, Brad. If you can do that, that would be good. So we might just keep going in the mean time. So back to you, Richard. Thank you.

30 MR JOHNSON: Okay. Just a quick question - - -

MS LEESON: Yes.

35 MR JOHNSON: - - - has the presentation been provided to each of the participants? I've – I'll share screen and we'll go through it from there.

MS LEESON: I think if you can share the screen we'll go through it from there and then, of course, it will be loaded onto the commission's website in due course. Thanks, Richard. I can see that, so - - -

40

MR JOHNSON: Okay. We've got the presentation Are you seeing a sunset over water or a - - -

45 MS LEESON: No. I'm looking at what looks like a cover page and inside a warehouse or inside an intermodal facility.

MR JOHNSON: Okay. That's what – it's coming up on the second screen.

MS LEESON: Warehouse.

MR JOHNSON: Meanwhile, look to the side. So in the presentation, we just want to go over the precinct development to date, provide some side context in terms of
5 the location of the current proposed development in relation to other developments occurring within the Moorebank Logistics Park precinct, look at the specific content of the proposal and the key components of that proposal in the application, go through the – have a look at the items raised in the DIPE’s assessment as provided in the IPC notes and then have a look at our response to some of the draft conditions as
10 presented that we’ve had discussions with the department on. Some of those have been accepted, some of those are still in discussion. Yes. And there’s some provisions at the back end for discussion.

So broader context in terms of Sydney, primarily the Moorebank Logistics Park is
15 linked to Port Botany and the Southern Sydney Freight Rail – the Southern Sydney Freight Line and provides an Imex and interstate terminal capacity. It’s divided into the MPE site, the little pink box down there, and the MPW site, MPE being east – sorry, MPW being west, MPE being east. And the MPW3 component sitting entirely within the MPW site as identified. Holsworthy Army Barracks are to the south,
20 Liverpool CBD to the north and connection to the M5 motorway to the north. On a closer site perspective, and forgive the change in orientation but occasionally it just helps to fit, the MPE site, the eastern site, is on the top part of the page and the western site is to the bottom part of the page.

You can see here in a green shade lot 6 and lot 7 which represents the boundary of
25 the MPW2 operations boundary. The MPW2 construction boundary encompasses the whole of the site and MPW3 sits within that The contents of the proposal are primarily subdivision, so the modification to the concept approval for MPW enabled subdivision to occur across the site. We are looking at a lot size that is below the
30 current minimum lot size identified in the Liberal Council LEP. That minimum lot size is 100 hectares and that would give us essentially two lots across the site. It includes a permanent roadworks perimeter road down to the southern part of the site to a number of stands, lay down areas and a temporary construction compound, all of those facilities being temporary but the road being permanent, being the
35 permanent ring road on the western side of the boundary.

The compound itself would include amenities to staff including a café, so we currently have a café situated in the existing compound and as the MPW2 work
40 progress into operations, we can see that there’s a need where we’re going to have to relocate that compound into the southern portion of the site to be out of the way of both operations and progressive construction works across the rest of the site. It – the works also include subdivision works across the site – across the entirety of the site, so that includes the provision of services and utilities, ease, correction of easements and boundaries for benefits and burdens of the respective lots. And as
45 discussed it also includes the importation of material and that’s an item we’ll discuss in further detail.

5 So for context in relation to MPW stage 2 and MPW stage 3, as I said, lot 6 and 7
form the southern boundary of the MPW2 operation site and MPW3 is identified in
the southern portion of that site down here. The perimeter road along the western
boundary is intended to be the permanent road. These internal roads will be – they
10 go to the laydown and hardstand areas and compound area, are intended to be
temporary road. Utility services would be located in the verge of the perimeter road
to access or provide connectivity to the various lots as part of the broader subdivision
works to the site. So everything that's not shaded in that grey is currently under
MPW stage 2 and construction phase and would progress to operations. There are no
15 real operational components proposed for the MPW stage 3 development. This is
literally just outside of the perimeter road subdivision and the temporary construction
compound, hardstand and lay down areas.

15 A closer look at the MPW3 components, so the two lay down areas, material storage
and construction compound providing car parking off the temporary road and the
permanent road, the ideal being that we can create a flow of traffic that doesn't
impede construction or operation within MPW2 and facilitates access and egress
20 from construction works supporting both MPW2 and MPW3 works and subsequent
works subject to future applications. Any questions on those components at this
point? I'll just go back to the - - -

MS LEESON: Probably a few questions. And, Richard, maybe now's the time for
us to go through some of these questions around subdivision and the two relative
25 stages. The question that we asked the department this morning and they clarified
for us was that the importation of the fuel, the additional 280,000 and 540,000 cubic
metres, will be used across the whole site, not just what's identified as in MPW stage
3. So it will be used for compaction and warehouse across the full site. Is that
correct?

30 MR JOHNSON: No. It's – the additional fill is identified for the MPW3 area.
There's – the – the question on fill has arisen because we have been given the 1.6
million cubes of material under MPW stage 2 for application across site but that was
identified as being unconsolidated. So by the time you pack it, we don't end up
35 having that same volume. The adjustment to the concept identified that additional
fill may be required, and this is out of the MPW2 and concept application
previously that because of the restriction on that fill being unconsolidated the actual
volumes required on site to get to the finished surface levels may be more than the
1.6 million but that would be subject to future applications.

40 So if we apply that material to this site, that 1.6 million, we're anticipating there's a
shortfall from the finished surface levels so we've identified if you applied the 1.6
million to the north, what would you require for MPW3 to bring it up to those levels?
So the intent is that it would be applied solely on the MPW3 site, the volume for the
45 1.6 million under MPW stage 2 being required to get to the finished floor levels for
the existing warehouses on MPW2.

MS LEESON: Okay. Thank you. Thank you. That's much clearer. Richard, do you have any questions on the – around that in terms of the explanation for where the fill's going to go?

5 PROF MACKAY: No. It's Richard Mackay here. No. That's very clear. Thank you.

MS LEESON: Okay. Thanks, Richard.

10 MR JOHNSON: So this figure also shows the subdivision layout. So subdivision works, subdivision itself being across the entire precinct.

MS LEESON: Yes.

15 MR JOHNSON: Sorry, across the entire MPW site, broken down into lots 5, 6, 7, 8, 9, 10, 11, 12 and 13 for the rail corridor.

MS LEESON: And just while we're on that, Richard, we understand from the documents that subdivisions intended to be divided – well, it falls into four
20 functional areas, I guess: biodiversity, warehousing, rail corridor and terminal and that's quite clear. One of the questions that's not quite – or one of the issues that's not as clear to us is why the warehousing needs to be subdivided into such – you know, a number of smaller lots. And maybe you'll come to that in your presentation but that's something we would like to explore with you.

25 MR JOHNSON: Yes. We – and we will get to that content. In a really brief nutshell, it is to enable long-term leases to occur. So if a tenant wants a lease in – up to or around 25 years, we need to have it attached to a lot specific to that occupation, so - - -

30 MR YIEND: It – no. It's Michael Yiend here from Qube. In addition, the agreement with the Commonwealth on the development of the site has the granting of ground leases as per these lots and at these lot sizes. So an obligation that we have under our development agreement with the Commonwealth on the Commonwealth
35 land is to subdivide to these lot sizes and have the land then ground leased to Qube for the remainder of the 100 year term to then develop the warehousing on it. So as well as Richard's claim, that's – that's part of what the actual obligation we have to the Commonwealth to get the approval to subdivide and then subdivide as per this layout.

40 MS LEESON: And what's – is there a problem if the application is not approved in that respect?

45 MR YIEND: In that respect we'd have to go back to the Commonwealth as per the agreement to say that the approvals aren't permitting us to subdivide as originally intended and we'd have to come up to some other resolution of how they would – they would like the leases to be granted.

MS LEESON: Okay. Thank you. Richard.

5 PROF MACKAY: It's Richard Mackay speaking. Really, two questions that are going to be - you maybe coming to this so I may have been pre-empting what's to follow, I just want to confirm as I understand the Commonwealth has entered into a contract requiring a subdivision that is inconsistent with the provisions of the applicable local planning instrument. Is that correct?

10 MR YIEND: That's correct.

PROF MACKAY: Okay. And then - I mean - and look, we may come to this and that's fine, that being the case, why would there not have been a longer preparatory timeframe and addressing that non-compliance through a planning proposal rather than a non-compliant application?

15 MR YIEND: It's Michael Yiend here again. Richard, I'm not sure Richard Johnson - I'm not sure whether you can answer that, but as far as my understanding goes it has just been passed to Qube under the contract to be able to get this approval through the SSD planning approval process rather than through the changing the LEP by amendment. Richard, do you have any - Mr Johnson, do you have any more detail on that?

25 MR JOHNSON: Yes. From - from a planning perspective, I guess it's not a non-compliant application. There's a process in the LEP to seek a - either a variation or exception to the application of minimum lot sizes. Because it's an SSD development we're undertaking the process by the Department of Planning rather than through council as a standalone subdivision application. Typically those exceptions are for a larger - increasing minimum lot sizes or increasing a lot size that's been permitted rather than reducing it.

30 PROF MACKAY: And thank you for the - so - so can I just again be clear that is what you're putting that because you rely on clause, I think, 4.6 of the LEP it's in fact compliant even though the lot sizes do not match the relevant lot size, schedules and plans in the local instrument?

35 MR JOHNSON: Yes.

PROF MACKAY: Thank you.

40 MR JOHNSON: So we're following planning provisions to achieve that

PROF MACKAY: Thank you.

45 MS LEESON: Thank you. Thanks, Richard.

MR JOHNSON: So; here is a different representation of the previous figure, the blue boxes down the bottom representing the hardstand and the lay down areas, the red box

representing the compound area and the – some more recent figure – aerial figure for the current state of development of the site. So the yellow boundary representing the extent of MPW3 works as anticipated excluding the subdivisions works. And this figure is largely there to identify MPW2 enables construction works across the whole sites, that includes clearing of all vegetation, import of fill, stabilisation of lands, insulation of external infrastructure like the – or adjacent perimeter infrastructure like the stormwater basins and some road works and the rail corridor.

This proposed application identifies no additional disturbance to flora, fauna, heritage, it doesn't change the contaminant management process, the long-term environmental plan for the site as approved by the site auditor for the whole site. So the actual nature of impacts associated with this development is essentially placing a temporary construction compound and a permanent road in an area that's already been disturbed under a previous approval. So when we look at the breakdown of the intended works, we have some that are non-tangible, the actual subdivision on the site; those that are temporary in nature, being the loop road and the compound and hardstand lay down areas; and those that are permanent and would become operational, being the perimeter ring road and the utilities and services linked to those as well as the subdivision works that are extended across the rest of the MPW2 site – the MPW site, sorry.

MS LEESON: And, Richard, in terms of the temporary works and the works compound, that compound, is that what we would typically see as site construction sheds format - - -

MR JOHNSON: Yes.

MS LEESON: - - - of development?

MR JOHNSON: Exactly right.

MS LEESON: Okay.

MR JOHNSON: So a number of construction sheds, a carparking area and facilities for and amenities for staff and employees on site. We have had – we have had clarity of expectations from the last set of conditions where we had of kitchen services so we have extended that to be very clear that it includes a café service where we don't have workers having to leave site to purchase food. So we do have a small retail outlet on there as a temporary café.

MS LEESON: Right. Thank you. And those buildings would all be single story or double story? Do you - - -

MR JOHNSON: Single story is the intent. That's what we currently have.

MS LEESON: Single story. Thank you.

MR JOHNSON: So as we sort of just discussed, we've gone through the subdivision process to achieve the outcome by functional area, conservation, freight terminal, warehousing and distribution and the facilitation of that long-term leasing as well as achieving the commercial obligations under the agreement with the
5 Commonwealth and the inclusion of utilities and services to subdivision works and easements across the site as a whole. The compound, when we look at that works compound, it's placed in the MPW footprint – MPW3 footprint, however what we anticipate is as operations and construction works commence and are undertaken on the MPW2 part of the site, that we will run out of space, essentially, for a stockpile
10 area for the compound and there'd be increased pressure to relocate that and that's the intent of this application, is to have that ready to be able to support ongoing MPW2 concentration but – construction works but be out of the way of those works so that we don't interfere with operations as progressively warehouses come online. Any questions before we go into the DPIE?

15 MS LEESON: Will you be coming back to subdivision in the presentation in any way?

MR JOHNSON: I don't – I don't think so.

20 MS LEESON: Okay. Then we might pick it up now. There's been an issue, as you would have seen from council's submission, their concern about the application and the subdivision below the 120-hectare limit. And I think principally council's concern appears to be around the holistic management of the precinct and what they,
25 I think, are identifying as more an estate management type approach where there's an entity looking after roads and lighting and landscape but we're not quite clear what the degree of detail is that explains – or how you explain that it is, indeed, a holistic approach. So a classic example might be there are multiple warehouses there, there's rail, there's intermodal facility operations, if there's a noise complaint at 2 o'clock in the morning, how would that be dealt with? So I guess we're thinking about how we
30 understand what you're telling us in terms of holistic operation versus, perhaps, a typical industrial estate management approach.

MR JOHNSON: Yes. So there's two levels to that response and the first one being
35 that the breakdown of responsibility or the allocation of functional responsibility across the estate mirrors what we have had approved for MPE, the Moorebank Precinct East site, and that is that there is an overarching estate manager that underneath you have a – you may end up with a freight rail estate manager and you'll have a warehouse estate manager. At the moment, that's all Qube. And they operate
40 in terms, obviously, with – in accordance with the consent instrument that applies. When you – if you had different entities being those – having those responsibilities and obviously different tenants in the warehouses, under the EP&A act they still have a responsibility to be compliant and operate in terms with the instrument of consent. So that doesn't change.

45 We – that's included in all of the lease agreements, that each of the tenants coming into site are aware of their compliance obligations under the consent but essentially

the holistic management for estate consent items is undertaken by Qube and then the subset, if you like, if there's – when we drill down into where an issue has been sourced, we can come down to the compliance obligations of the individual tenant. So (1) it's managed it at an estate level; secondly, if needed, if it was – if the

5 department, for example, was looking for who was accountable for an instance of noncompliance, then the EP&A Act provides provision that anyone occupying the land undertaking the land for the purpose of the development as approved in the consent instrument has to comply with the terms of that consent and they're carried through our leases as discussed.

10

MS LEESON: Okay. Thank you.

MR JOHNSON: Michael, I don't know if you want to add anything.

15 MS LEESON: Richard Mackay has a question.

PROF MACKAY: Thank you, Di. It's Richard Mackay here. Richard, just further to that and coming back to the example that Di presented, I think in terms of merits considerations, as I understand the concerns expressed about the subdivision, the

20 issue is a lack of integrated and holistic operational management. And the concern would be with the public interface. So; accepting absolutely what you say about responsibility for compliance, if they had known there is a noncompliance with noise or lights, how does the community – the affected community then engage – you know, how are they meant to know which entity is – where is the – where is the

25 cohesive operation or entity, please?

MR JOHNSON: Okay. So – so that would still come back to the estate manager and in – if – use the NPE example, they have a precinct operational environmental management plan process that links to the community consultative committee. So

30 there is a process by which a complaint can be raised to the estate manager and then we carry on the resolution of that complaint by that process through the claims register and identify a resolution back to the individual. So if I take the example on West, we have had a couple of noise complaints middle to late last year in terms of material works being undertaken on site. We were able to – we received the

35 complaint or the department received the complaint and we're able to follow that up and track it down to the individual contractor responsible and identify the nature of the works that were being undertaken and resolve the complaint in that matter. So it's – that same process would apply in an operational sense irrespective of a number of diverse tenants or occupants on site.

40

PROF MACKAY: Thank you. And are you able to easily point the Commission to where – where that's accommodated in either the application itself or a statement of commitments or consent conditions? Where are those arrangements?

45 MR JOHNSON: Yes. We can point – there's a – I think there's a figure in the assessment document itself that identifies the estate management arrangements, if a concern.

PROF MACKAY: It's actually the operation. I mean, as I read the conditions, being 12, 13 and 14, meaning D 12, 13 and 14 – they seem to relate much more on the – on the face of it to maintenance of the estate, rather than this issue of integrated operations between lessees. So I think it would – if you wouldn't mind, it would
5 help the Commission to be pointed exactly to the mechanism that – that brings that about, because that would – you know, that clearly addressed what is the – the operating standard merits concern about the consequences of any subdivision.

MR JOHNSON: Okay. We can provide that outside of the meeting. I guess, what I
10 can add is that the department's conditions have been couched to reflect what they've seen as working on NPE.

PROF MACKAY: Mmm.

MR JOHNSON: A subdivision arrangement there for operations. So I can provide
15 both the link to the operational document that's been prepared for the east site for the subdivision arrangements and to address those concerns, and then identify where we've addressed it or identified that – those in the current assessment application.

PROF MACKAY: Thank you. That would both be informative and helpful. Thank
20 you.

MS LEESON: Yes, that's right. Thanks, Richard. Michael, did you want to add
25 anything to that? Or is that covered from your perspective?

MR YIEND: I – I think that's covered as far as the planning approvals are
concerned. Yes, separately, it is not in the public domain, that under each of the leases it does link it or the leases from the Commonwealth, that there's the – the obligation on all of them joined separately to comply with all the approvals under
30 those leases from the underlying main of the Commonwealth. And there's that single requirement or the precinct website or through the community consultative committee or a single portal for any – any complaints or – or issues or interaction with the community about the operation and construction of the development.

MS LEESON: Thank you. Thank you.

MR JOHNSON: So anything further - - -

MS LEESON: No.
40

MR JOHNSON: - - - on that?

MS LEESON: I think that's all for me on the subdivision issue, Richard. If there's
45 nothing else from you, we'll keep moving. Thanks.

MR JOHNSON: So when we look at the – the items raised from the department's perspective, we're looking at managing – being able to manage – demonstrating

being able to manage construction noise impacts through the Construction Noise Vibration Management Plan process. There is Out Of Hours Works Protocol associated with that – that management plan under MPW stage 2. Under the MPW stage 2 consent, the Out Of Hours Works Protocol is restricted to a – a number of
5 activities, being rail occupant – rail occupations, the Moorebank Avenue, Anzac intersection development and construction of the interstate rail terminal, or the – the Rail Intermodal Terminal.

We have – currently have a process in place where we’re looking to just extend the
10 application of those out of hours work to enable other activities to occur on site that are part of the benefit of the project in terms of program and enable us to essentially do works that are keen to get out of the way of both am and pm traffic peaks and/or other construction works on site, such as the installation of utilities and services. We’re looking for the same breadth of application in this current application in that
15 the current Out Of Hours Works Protocol that’s identified by the department identifies that it’s restricted to the input of fill material. While that’s advantageous, the – it doesn’t give us the ability to, yes, install trenches utilities and services in the perimeter of the road outside of hours when the road is not being used. So we’re just looking at a – a slightly broader application of that Out Of Hours Work policy.

20 The Out Of Hours Work Protocol enables an assessment and review process. It’s not just a – a blanket you can do works out of hours when you feel like it. There’s a – a process in place. The department is actually looking for us to advise the community consultative committee of Out Of Hours Works so that they can take it out to the
25 community and to provide feedback. That’s acceptable to us obviously. It’s just there’s a consideration when we have a rapid turnaround at works. It just may mean that we otherwise have to go back to the planning secretary for approval if we can’t affect works on short notice under the Out Of Hours Work Protocol. And the – the only other option for Out Of Hours Work are where works are considered to be
30 inaudible. Again, requiring a – an assessment process and review process. However, it’s unlikely that we can – and it’s a pretty hard target to meet to say that it’s absolutely inaudible.

35 MS LEESON: So to put it in another way. That the protocols essentially a framework that you’d like in place for certain types of activities beyond those that were agreed in – in stage 2, to be undertaken at any time that you might need to do that without individual referral back to the planning secretary.

40 MR JOHNSON: Correct.

MS LEESON: But that protocol would be developed in consultation with the CCC.

MR JOHNSON: Correct.

45 MS LEESON: And – and then - - -

MR JOHNSON: Or the - - -

MS LEESON: - - - the process of notification when you're intending to do those works so they – they knew. Is that – is that the level of detail that you look to go to in the protocol?

5 MR JOHNSON: Yes. Exactly right. Yes. The protocol itself isn't developed with the CCC, but it's advised any works that are undertaken where we're utilising the framework in a protocol is advised to the CCC, and we put notices up on the website in advance of works.

10 MS LEESON: So it's a – does that mean – to make I've got it clearly. You would develop a protocol that would be agreed by the secretary.

MR JOHNSON: Yes.

15 MS LEESON: And then when you came to do those works, there would be a notification process for the CCC.

MR JOHNSON: Yes.

20 MS LEESON: Thanks. So the CCC is not engaged in the process of developing that protocol?

MR JOHNSON: No.

25 MS LEESON: No. Okay. Thank you.

MR JOHNSON: And that protocol has various thresholds of anticipated noise levels. So, for example, if we came and – not that we are in this instance. But on – on the MPE site, for example, we have had undertaken concrete pours at night inside
30 a warehouse under construction, and that has negligible impacts. So the – the assessment and review of that activity doesn't elevate or escalate to being a public notification or newsletter drop of these works. Whereas if we were undertaking works in a – in the open on a public roadway or adjacent to a public roadway in close proximity to residents, then there'd be a more detailed newsletter notification.

35

MS LEESON: Yes. Thank you. Richard, did – did you have a question?

PROF MACKAY: It's Richard Mackay here. Just on this issue of the Out Of Hours Protocol. Is it possible for the applicant to put some meets and bounds around that?
40 I mean, the thing that's occupying my mind is that one of the reasons for a public process involving exhibitions submission consultation is to give the community an ability to express opinions about likely impacts. And this – this is frankly a very nebulous one, at the very time of day that might be of most concern to local residents. And, look, I appreciate that it's appropriate and allowable to have a
45 process that allows the planning secretary to approve a variation, I guess, my simple question is: is it feasible at this stage to put some clearer meets and bounds around what types of

work might be included, rather than just carving out the limitation in the draft condition as it stands?

MR JOHNSON: Yes, I think so. I mean, the – at a – at a quick grab level, the
5 installation of utilities and services across the site as part of the subdivision works is probably the key item that we'd be looking at as a Out Of Hours Works activity, particularly given if those works are occurring on the northern part of the site outside of the nominated MPW3 footprint, you know, where there's an interface with
10 existing construction activities and potentially operational activities as time progresses. So to have those – that type of work being able to be undertaken outside of hours, it gets out of the way of other construction activities that are undertaken during the day, particularly given that the – those works are – you know, we're laying utilities and services in road verges. So we don't really want those works to be concurrent with either heavy vehicles moving through construction activities or
15 vehicles moving from operation activities.

PROF MACKAY: Well, thank you. I mean, through you, Chair, I think it might be helpful if the applicant were to come back with a response on – on notice with some words that describe precisely with some meets and bounds on – on what those
20 activities might become. And it's just an invitation, not a requirement. So thank you.

MR JOHNSON: Okay.

25 MS LEESON: No, I think that would be helpful. And I think one of the issues that you've alluded to there, Richard, is – is one of safety.

MR JOHNSON: Yes.

30 MS LEESON: And so that would – that would be useful to understand as well. Thank you. I think we can – we can probably keep moving through.

MR JOHNSON: Now, we briefly touched on the input of fill. Just – this slide just
35 talks to the department accepting the input of clean fill there, and looking at a limitation of one crushing plant being operational across the site. That does feed back into noise levels and – and management of impacts to residential amenity. As we have discussed, we're just looking at bringing in material to get up to the approved level that has been identified in the concept for the site, and operating underneath the approved 22,000 cubic metres of imported fill per day to the site, as a
40 precinct cap. So that – that cap was imposed on MPE2 and MPW2. We don't see that there's – the traffic was likely to be generated to bring material into site for MPW3 is going to exceed that at all, given the relative progression of the two sites east and west.

45 MS LEESON: Is the importation of fill complete on MPE yet?

MR JOHNSON: No, not - - -

MS LEESON: Is that? No, not yet?

MR JOHNSON: No.

5 MS LEESON: And we note from the EIS and the assessment report that you're
relying on the traffic modelling that was done for MPW2. Is there – and, I mean, it's
been a source of concern about cumulative traffic assessment and updated models.
Has there been any update to the modelling since MPW2, the assessment for that was
prepared?

10 MR JOHNSON: No. The only additional modelling I'm aware of has been in
relation to the actual intersection upgrade for the Moorebank Avenue, Anzac
intersection, just to demonstrate the – that the design, the functionality of the design
for that intersection, not from a precinct perspective. And what we've referred to
15 here is the 22,000 cubes per day has been – is a measure that has been assessed and
approved for MPE and then carried across to the MPW2 consent. And we're not
looking at exceeding that volume, and therefore there's not likely to be – there's no
greater impact than has already been assessed and approved, from a construction
traffic perspective. From an operations perspective, this development doesn't
20 generate operational traffic.

MS LEESON: Richard?

25 PROF MACKAY: Thank you. Richard Mackay here. And can I just – looking at
that another way though. An extra 820,000 cubic metres would mean at least another
40 days under that cap. So there's the – there's the duration effects, I guess. What is
the typical currently daily amount? I mean, 22,000 is the cap. Is it currently running
at 10, or is it running at 15, please?

30 MR JOHNSON: Off the top of my head, I couldn't tell you. I know we haven't
exceeded it. Yes, sorry, I can't – I don't have an answer. I don't know, Michael, if
you have an indication.

35 MR YIEND: No, I don't have. We – we can follow that up.

PROF MACKAY: Yes.

MR JOHNSON: Yes.

40 PROF MACKAY: Thank you.

MS LEESON: Thank you. That would be helpful. Thank you.

45 MR YIEND: The relevance, I think, to the Commission's consideration,
understanding everything you've just said about the – the traffic volume on a daily
basis. Therefore, really, what the matter before the Commission boils down to is
understanding how many – how many more days that affect would happen.

MR JOHNSON: Yes. I think another important consideration in that cumulative – consideration of that cumulative cap for the precinct is that MPE stage 2 had 600,000 cubic metres coming in. Now, for the MPE2 site, the import of fill for warehousing levels has been completed in terms of the unconsolidated fill. The material that
5 continues to come in for MPE is related to the Moorebank Avenue diversion road only, and then ultimately for the Moorebank Avenue upgrade works. So it's a much – much reduced import of material. And that has been progressing over time. So what we don't have at the moment is MPE2 bringing in that progressive 600,000
10 million cubes. And that was the – the key to the setting back – establishing that threshold as a cumulative for the precinct. If we had that volume of material coming in - - -

PROF MACKAY: Right.
15

MR JOHNSON: - - - together, this would be the cap. Now, we're well past having the two being significantly overlapping between east and west. That we're comfortable that we're – the MPW3 import requirements will – will remain below the cap for the precinct.
20

PROF MACKAY: Thank you. That's very clear and very helpful.

MS LEESON: Thank you. Yes. And as Richard said, the impact if the traffic volume is unchanged, it's essentially a temporal impact for people with the traffic going past. Okay.
25

MR JOHNSON: Yes.

MS LEESON: Thank you. We can move to the next issue.
30

MR JOHNSON: There's no issues.

MS LEESON: Okay.

MR JOHNSON: The next part of So – so to cover off on environmental management given that perspective. On MPW2 construction works, there's – this figure identifies the current layout of some of the construction compounds and where works have been undertaken and existing and approved construction access on Moorebank Avenue under the MPW2 consent. What we've found in the – in the
40 implementation of the consent is that we end up with a nominated compound area. Then as works progress and we have people working at different portions of the site, or different packages of works are released and required, and where we have an overlap with the Moorebank Avenue diversion works, we've had to establish other compounds.
45

So what we have in place is a process under the suite of management plans to look at how we locate significant structure, implement our management controls across that

whole construction site. And then how the site adapts is covered by either the review of the management plan as we have a change on site, and then a review by the environmental representative and/or the department, depending on the significance of such a change. What we're proposing – have proposed to the department is because
5 the suite of management plan prepared under the MPW stage 2 covers the entirety of the site, that it makes sense for the purposes of MPW3 that rather than we create another raft of 10 to 15 plans for a small portion of the site, that we just revisit and update the existing suite of plans to now cover the scope of works proposed under the MPW3 application.

10

That way we also end up with consistency in approach. As the department has identified, the – the key impacts of traffic noise, soil and water as construction activities are all being effectively managed under the approved plans to date, and we'd look at extending that same process to be applicable to the MPW3 scope of
15 works. So we're not really looking at doing anything that hasn't already been considered in the MPW2 development in terms of type or nature or scale or extent of works. The nature, scale and extent of likely impacts associated with the development are no greater than those that have been considered and included in those management plans subsequently approved by the department. So to us, it
20 makes sense to have the existing set of plans rolled out to cover this proposed scope of works, and we end up with a consistency in understanding by the contractors and – and the department in terms of what's being applied to site.

MS LEESON: Okay.

25

MR JOHNSON: Anything on the management plans? And so if we can move on to the department's draft conditions and the changes that we had sought. In the initial terms of consent, we had asked for the term generally to be included in the defining text. Largely just to provide some construction variability or flexibility in that we
30 have encountered in implementation of the previous plans, being MPW2 and MBE. Where we aren't precisely in accordance with a development approval layout or a boundary for a given area might change marginally without material affect, we still come up to the – a point of conflict of either having to go back to the department for a MOD, or providing a substantive justification and – and additional documentation
35 to support what is generally a minor change.

So we're just looking at having that flexibility included in the terms of the consent. That just provides that marginal bit of flexibility. And I guess that if there's a – if there's a driver for a subdivision boundary to – to shift prior to the final subdivision
40 certificate being issued, it wouldn't mean that we have to go back to the department to get a MOD before we can provide that final plan. It could be presented to the department and discussed with the department, but without being a – a modification of itself.

45 MS LEESON: A fairly broad sweep that seems it could be construed to give you quite a lot of flexibility. Does the department have a view around - - -

MR JOHNSON: Now - - -

MS LEESON: - - - around this?

5 MR JOHNSON: - - - they included generally in the EIS item C - - -

MS LEESON: Yes.

10 MR JOHNSON: - - - but did not include it in D, E and F.

MS LEESON: Okay.

MR JOHNSON: Because they were looking for specificity.

15 MS LEESON: That might be something we talk to the department about a little more to understand their concerns with it. I think we understand what you're seeking, but we might explore that a little more with the department as to what their concerns are.

20 MR JOHNSON: Yes. And I guess from a timing perspective, we – the more prescriptive we get in that, if it's a given set of boundaries or plans that have been approved – and it's not boundaries, but plans that have been approved and there's a minor change, it forces us into a MOD in the timing to date on those has been 12 months plus. So for what can be a relatively minor change, if there was a process
25 whereby we can get flexibility – and it might be – or as otherwise approved or accepted by the planning secretary could achieve that and equivalent outcome, then that would be appreciated.

30 MS LEESON: Okay. Thank you. Richard, did you have a question there?

PROF MACKAY: It's Richard Mackay. I mean, I agree with what Di has indicated in that part of the point of the process we're in is to provide opportunities to comment. So being able to – being able to change what's otherwise approved through a non-application process, I think, is quite a big ask. And I'm particularly
35 interested in F. And, please, what might be the kind of driver that would change or cause change to the approved subdivision plan at the certification stage, as just an example, especially given the – the subdivision is one of the key issues in play in terms of the submissions that have been made on this application.

40 MR JOHNSON: As an absolute hypothetical. If – if in the construction of the perimeter road which sits in a lot with the conservation area, if we came across an anomaly geo-technically that meant that the perimeter road had to be shifted further to the east, we'd have to go back and change the subdivision boundary to accommodate that. And that would, under the current structure, would need a MOD.

45 PROF MACKAY: Thank you. It's helpful to have that example. Thank you.

MS LEESON: Thank you, Richard.

MR JOHNSON: The Out Of Hours Works Protocol is the one that we've had to come discussing. And, I guess, to take on the points from the Commissioners that
5 while taking out the restriction to just placement of fill might be too broad, they might be the opportunity to identify, on behalf of Qube, the items that provide some – some prescription or specifics to the extent of application of the Out Of Hours Works Protocol, and we'll come back to you on that.

10 MS LEESON: Thank you.

MR JOHNSON: I don't think there's anything else in there that talks to – talks to any other further points. If there's any other questions.

15 MS LEESON: No. I think you've covered off on quite a lot of that before.

MR JOHNSON: Condition C36, 37 and 38. These relate to the site audit statement requirement. So under the current MPW2 consent, there's a requirement to have a site audit statement and a site audit report at the completion of importation and
20 placement of fill to the site. That's the whole site. And that is required prior to commencement of permanent built surface works. The – the concern that we've had on this condition when we've talked with the department and the EPA is that it was intended initially to be a consolidated condition with the singular site audit statement report for the site and – but has been treated as two separate requirements.

25 So we have a site audit statement for the whole site, something called a Long-Term Environmental Plan. And we're then subsequently importing clean fill VENM to site. And then we have a site audit statement process again to verify that there has been no change to the condition of the land making it otherwise suitable for its
30 intended land use. So to us, we saw that as a bit of a double up for what is essentially a waste classification exercise. Once we imported clean VENM, which is our consent requirement, unless we have other approval from the EPA, essentially the site audit statement is validating we have just brought VENM to site which, in our mind, the site audit statement expectation is much higher than is actually
35 required to validate waste classification of materials brought to the site. The department has gone and the EPA have identified that they – they want this condition to stay as is. To us, we just see it as a – as an extra requirement that has already been satisfied at the whole-of-site level, that remediation being effective across the site to make it suitable for its intended use.

40 MS LEESON: And, Richard, is this in part going to the matter of verifying that it's VENM by a different means? What – what happens as the materials brought into site or it's intended to happen as the material is brought into site, to validate that it is actually clean fill?

45 MR JOHNSON: Yes. So there's a certification process. So materials either identified at the source, and those sources being other public infrastructure works,

classified at that point so that we – we can confirm that we're able to receive that material. As the material is transported to site, before it is allowed to unload, it undergoes a visual inspection, and especially under the certificates, and it goes across a weighbridge so that we know that the material that we're receiving is aligned to the vehicle that left the source site, as well as the material that we've got and can see being delivered to site. And to date, we have – we have refused vehicles bringing material to site where we've been able to identify what they have is – contains other materials. So that – that's our standard process for material coming into site. And, yes, I just see this as a – as a - - -

5
10 MS LEESON: So with that process in place, your concern is that this is an unnecessary requirement because the site's originally being remediated and a site audit statement prepared. The material that's coming in is verified and certified to be clean as it's placed and, therefore, this final site audit statement is unnecessary. Is that – is that your - - -

MR JOHNSON: Exactly right.

20 MS LEESON: Yes. Okay. Richard? No. Okay. I just want to understand, you know, why you – why you consider this to be an onerous condition, just to make sure that we understand it if we go back to either the department or the EPA to – to discuss that further.

MR JOHNSON: Yes. So - - -

25 MS LEESON: I'm clear on that now. Thank you.

MR JOHNSON: Okay. And just to be clear, there's – the site audit statement that we have received for the entire site under MPW stage 2 includes the provision of a long-term environmental management plan that identifies management strategies should any works encounter materials – so both unexpected finds – or if you were to dig through the fill layer during construction. So the processes for management of subsequent activities that were already, in our view, catered for by the approved that the site auditor has made the site audit statement subject to.

35 MS LEESON: Thank you.

MR BLYDE: And is it a convenient time for me just to interrupt – it's Dan Blyde from Qube here – just in response to - - -

40 MS LEESON: Yes.

MR BLYDE: - - - the earlier question about the volumes of imported fill. I've been in touch with our site manager. On average, he says 4000 tonnes or 2000 cubes. So compared to the 22,000 cubes allowable, a very small number. Some days because our site is – is well designed, when the tunnels – the tunnel fill is coming out and it's raining, a lot of the other receivable sites are closed. So we sometimes have a spike

in deliveries because we're the only site that can receive the sandstone. And on those days, a very big day would be 10,000 cubes. And I think the biggest day we've ever had is 12,000 cubes. So, on average though, around 2000 cubes a day.

5 MS LEESON: Thanks, Dan. And just to that point. Are you taking material as you're able to receive it or as it becomes available and you've got access to it? Is that driving the way the fill is coming to the site? Or is it more about your staging alignment? Or it's just what you can get?

10 MR BLYDE: It's largely driven by what's available. Obviously, we had a significant need for the fill so we were taking it as it was available, and had the advantage, as I say, during wet conditions of being one of the few sites in the Greater Sydney area that could receive. So at times, we have stopped the import because it hasn't – we haven't had an area to receive it while works have been underway. But,
15 generally speaking, it's driven by when it's available.

MS LEESON: Right. Okay. Thank you.

MR JOHNSON: Ma'am, I should add that those volumes are for representable
20 volumes for east and west. The material for east for the diversion road is coming to the western development area.

MS LEESON: Right. Right. Thank you. Okay.

25 MR JOHNSON: So to summarise, we have identified that there is consistent volume in the intended works and the existing MPW2 management controls. We don't see that there's any additional significant environmental impacts arising out of this development, given that it sits entirely within what would otherwise be a construction site or what is a construction site. There's no additional values being
30 removed as a result of these works that have not already been assessed and approved and would be undertaken. I think that would be stage 2. We're looking at the application of the management plans for the MPW3 project to be extensions of those that currently exist and have been approved and reviewed by the environmental representative on site to be extended in application from MPW stage 2 to cover the
35 stage 3 works. And that way, we have consistency in mitigation measures and a clear understanding between contractors of the expectations. And we're not really introducing new measures.

The department has looked at the proposed subdivision and, in their assessment, has
40 considered it to be reasonable and supported. And as discussed in today's session, we will provide the additional estate management process and outline and the precinct operational environmental management plan process that has been developed and approved, accepted by the department for MPE and its subdivision. We believe that the proposals is in the public interest. It enables us to a raft of, I
45 guess, early works for that southern portion of the site in preparation for its subsequent development for – towards operations, and removes any site constraints

that we may otherwise have in the existing MPW2 site as it progresses towards operation.

5 The department has assessed our proposal and – and has confirmed that it’s
consistent with existing planning instruments. They’re generally supportive of it and
we’ve worked well with them to date on the provision or establishment of the draft
conditions of consent. Obviously, there’s a couple that we’d like some additional
flexibility be included, either in directly the ones that we’ve identified, or if there’s
10 another ability to include flexibility via subsequent planning secretary’s approval or
other means, then that would be very much appreciated.

MS LEESON: Thank you. Richard. Richard Mackay, do you want to talk to the
Glenfield Farm issue and the – the visual impact there that the Heritage Office raise?

15 PROF MACKAY: Thank you, Di. Yes. So it’s Richard Mackay. This is a
question without notice, so apologies for that. But in the response submissions,
Heritage NSW raised the matter arguably belatedly in the sequence of approvals for
the total projects about the visual impacts on Glenfield Farm. And they’ve suggested
a condition that required some barrier planting arounds the perimeter, perhaps in
20 conjunction with the perimeter road. The Commission hasn’t inspected the site in
relation to this application and has not formed a view.

But I did want to take the opportunity to ask the applicant, you know, your view
about incorporating such a requirement perhaps within the content of the
25 Conservation and Environmental Management Plan. That would seem to be the
obvious way to do it if the Commission were firstly of a mind to approve, and,
secondly, were of a mind to accommodate what Heritage NSW has requested. And,
look, we – understanding that that would be a mitigative measure that really related
to the entirety of MPW, not just to the works that are embodied within this current
30 application. But we’d appreciate your views.

MR JOHNSON: An initial three-part answer - - -

35 PROF MACKAY: Yes.

MR JOHNSON: - - - is that, in the first instance, the MPW stage 2 consent
identifies the need for an urban design development report to be prepared, and that
identifies landscaping to be applied across the site. That plan has been prepared,
approved, and is available on the SIMTA website. That identifies a – if I’ve got the
40 numbers right – a canopy tree planting requirement of one tree every 30 square
metres, and landscaping of the warehousing areas up to, I think, it’s 15 per cent of
combined landscaping, and a subsequent portion of soft landscaping. That includes
planting along the perimeter road for the MPW2 site. That plan is an operational
plan or becomes an operational plan because it’s the constructed form that has the
45 landscaping, not the in-construction or progressive construction part of the
development.

But it's that the MPW2 construction encapsulates the whole site. So from a visual perspective during construction for the MPW3 application currently on foot, the construction process for MPW2 would see the entire southern portion of the site have its vegetation removed, and then the land form stabilised until we had subsequent
5 application and approval for the development towards operations for that portion of the site. So from a visual impact assessment for MPW3, it doesn't change what would – has otherwise been approved under MPW2.

10 The third element is the construction forms that we will put on MPW3 are temporary. And on the western boundary of the site that you will see inside inspection is the conservation area where there is existing vegetation, yes, from the terrace adjacent to the Georges River Bridge down to the Georges River, which provides an interim screening for the works that will be on site during MPW3. That the final arm would be when we come to identifying the operational requirements and putting in the
15 development application for operational development of the southern portion of the site, the – we'd expect the same urban design requirements to apply as have applied to MPE and MPW2 to be applied and applicable to the operation development for the built form that would go into the southern portion of the MPW site.

20 PROF MACKAY: Yes, thank you for that. Do you recall off the top of your head whether the landscape plan that – that is in place – and the Commission will be able to have a look, thank you – deals with this issue of a boundary screening between the subject property and Glenfield Farm?

25 MR JOHNSON: It does in terms of having – there's – I think, it's two forms of screening. One, the MPW2 consent currently identifies a requirement to install a noise wall, and it requires vegetation screening planting to be planted on the side of that wall. So there's – there's two forms of screening at the perimeter. However, depending on the elevation of the actual receiver, they may look over the top of that
30 wall. But that's where the internal landscaping for the warehouse area comes into effect. I think if you reference the MOD application for MPW stage 2, recently for the Woolworths distribution centres, you can see the intended landscape planning and long-term vegetation growth anticipated, adjacent to those buildings. Compare that with the – what's included in the urban design development report will give you
35 the indication of what that screening will look like from the respective residential areas.

PROF MACKAY: Okay. Thank you for that.

40 MS LEESON: Thank you. And, Richard, just – it's not directly relevant to this one. But that Woolworths' approval that's just been granted, is that warehouse or site 5 and 6 which is the increased height of warehouse buildings?

45 MR JOHNSON: I don't know about site reference. Michael, I think it's on lot 7, lots 6 and 7.

MR YIEND: Six and 7, agreed.

MS LEESON: Right. But that's the one that was recently approved with the double bay – the additional height - - -

MR YIEND: It has.

5

MS LEESON: Yes. Okay.

MR JOHNSON:

10 MS LEESON: Thank you.

MR JOHNSON: So just on the figure here. It's lot 7 and part of lot 6.

MS LEESON: Thank you.

15

MR JOHNSON: So it's – I don't know if we can - - -

MS LEESON: Yes. Okay. No, thank you. Richard, do you have any other questions or issues you'd like to raise?

20

PROF MACKAY: It's Richard Mackay. No. Look, thank you. I've asked all the questions I had as we have moved through the presentation. So thank you.

MS LEESON: Okay. Thank you. I don't have any further questions to raise either. Is there anything else that you'd like to make the Commissioners available – aware of today while we have this time available?

25

MR JOHNSON: We've provided the electronic format of the presentation. We weren't quite sure where the Commissioners were going to be sitting today, so we've got a hard copy package of both the presentation and some larger plans for reference. So we'll provide those to Brad which might help inform some of the questions that you may have or inform questions when you get to site on 9 April. So we'll forward those to Brad. If there's any other documentation or requirement besides those that we've spoken about today, then feel free to let us know and we'll incorporate those.

30

MS LEESON: All right. Now – thank you very much. I'm now looking forward to the site visit because I think that will be most informative, which I think is scheduled for Friday week. Yes. All right. If there's nothing else, we might thank you for your time and we'll close the meeting.

35

MR JOHNSON: Thanks very much.

PROF MACKAY: Thank you very much.

40 MS LEESON: Thank you very much. Thanks then, Michael.

MR YIEND: Thank you.

MS LEESON: Thanks, Richard.

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[12.49 pm]