



Suite 117, 25 Solent Circuit
Norwest Business Park
Baulkham Hills
NSW 2153
ABN: 50 160 157 666

8 March 2022

To the Secretary,

**Moorebank Precinct East Stage 2 (SSD 7628): Submission of Response to March 2022
Independent Audit Report #2**

I refer to SSD 7628 approved on the 31 January 2018.

In accordance with condition C19 of the Development Consent which outlines the requirement to:

Within three months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

the following documents have been submitted to the Planning Secretary for information:

- Independent Audit Report #2, Moorebank Intermodal Precinct East Stage 2 – Warehousing SSD-7628, Wolf Peak, February 2022.
- MPE 2 SSD-7628 Independent Audit Report #2, Applicants Response.

Regards

A handwritten signature in blue ink, appearing to read 'RJ', is written above a horizontal line.

Richard Johnson
Director
Aspect Environmental

Attachment A: Applicants Response to Audit Report

| Ref. | Type | Details of item | Audit Recommendation | SIMTA Actions | Timing |
|------|----------------|--|---|---|--|
| B13 | Non-compliance | <p>CoC B13 details the timing requirements for road infrastructure upgrade works including the provision of upgrade requirements, required timing for 100% design approval by RMS (TfNSW) and the required timing for completion of upgrades.</p> <p>100% design approval for each road upgrade has not been obtained prior to the issue of the Occupation Certificates.</p> <p>The Auditor requested evidence of 100% design approval of each road upgrade, prior to issue of the Occupation Certificates. The auditee provided the following response: Detailed design and consultation with TfNSW for the required upgrades is in progress and approved for the Moorebank Avenue upgrade works.</p> <p>The MPE Stage 2 Modification 1 application (SSD 7628_MOD1), sought to alter the timing requirements for 100% design approval and delivery for the upgrades to align with the timing of the actual impact more closely to the local network they are required to mitigate, was lodged in January 2019.</p> <p>This is not considered to be a non-compliance against the requirements of this condition as the Applicant has undertaken all reasonable measures to enable compliance. By the nature of this condition the ability to achieve compliance is dependent on a third-party regulatory body, TfNSW (incorporating RMS) and the Applicant does not accept responsibility for TfNSW's inability to finalise its review of the MPE Stage 2 Modification 1 application despite the application being lodged in January 2019 in consultation with TfNSW and RMS, and draft conditions of approval being issued by DPIE.</p> <p>The approval of this Modification is still ongoing.</p> <p>The Auditor considers this to be a non-compliance until such time as Modification 1 is approved, or design is approved.</p> | Continue with Project modification and / or design approval. | SIMTA to continue with project Modification until such time as Modification 1 is approved, or design is approved. | Ongoing |
| B37 | Non-compliance | <p>CoC B37 requires spoil handling and management during construction to be undertaken in accordance with the Spoil Management Plan.</p> <p>CoC B36 requires the preparation of the Spoil Management Plan and that it includes (by way of B36(c)(iii)) stockpile height and batters have a maximum of 1V:3H slopes and requires that stockpiles be benched if greater than four metres in height. CoC B37 requires implementation of the Spoil Management Plan.</p> <p>According to the 2019 Annual Review, the Imported Spoil Stockpile Area did not meet this requirement and no action had been taken to reduce the height of the stockpile for more than a month after it was identified. This non-compliance, along with a commitment to achieve conformance with the Spoil Management Plan was reported in the Annual Review.</p> <p>Despite the above, the Auditor requested the following evidence to assist in verifying implementation of the Spoil Management Plan: checks that stockpiles meet specifications as per SP18 (not exceed 10 m in height, with battered walls at gradients of 1V:3H, and checks that stockpile heights over 4 m are benched, with maximum of 1V:3H slopes) reports on unexpected finds within imported spoil as per SP32 and section 3.11 of the Spoil Management Plan.</p> <p>In response the auditee provided: reference to an item within the environmental inspection checklists that require a check that stockpiles are stabilised a historical copy of the Spoil Management Plan along with the ER's endorsement of that document.</p> <p>The evidence provided does not demonstrate implementation of the Spoil Management Plan.</p> | Review the Spoil Management Plan and require contractors to incorporate its requirements into their operations. | SIMTA to review the Spoil Management Plan and inform contractors of their requirements. | Prior to submission of the next Compliance Report. |

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|------|----------------|---|---|---|--|
| B54 | Observation | <p>CoC B54 requires the Project to implement best practice reactive and proactive management measures to minimise dust generated during all works authorised by SSD 7628.</p> <p>Evidence provided indicates that reactive and proactive management of dust appears to have been implemented during the audit period. That being said whether best practice controls have been applied at all times throughout the audit period cannot be verified in full.</p> <p>Further, the dust deposition gauge data for 2020-2021 (which captures cumulative dust from across the airshed) indicates that the monthly deposited dust concentrations frequently exceeded 4g/m²/month on the site boundary. Whether this also exceeded the criteria at the nearest receiver as specified in B55 cannot be determined as dust deposition monitoring was not conducted at the receiver.</p> <p>Realtime dust monitoring results for 2020 indicates that PM₁₀ on the boundary was satisfactory. No dust monitoring data (either dust deposition or real-time dust) was available for 2019, therefore emissions during this period have not been confirmed.</p> | <p>Recover and retain 2019 dust monitoring data or report as a non-compliance along with corrective actions.</p> <p>Record actions taken in response to elevated dust readings.</p> | <p>Dust monitoring data for 2019 is not available due to contractor demobilising from site since 2019.</p> <p>SIMTA to review reporting requirements.</p> | Prior to submission of the next Compliance Report. |
| B55 | Non-compliance | <p>CoC B55 requires that deposition dust must not exceed an increase of 2g/m²/month or maximum of 4g/m²/month at the closest off-site sensitive receiver.</p> <p>The Auditor requested the dust deposition gauge results from 2019, 2020 and 2021. Data was provided for 2020 and 2021. No data was provided for 2019.</p> <p>As with CoC B54, the Auditor also observes that the dust deposition gauge data for 2020-2021 (which captures cumulative dust from across the airshed) indicates that the monthly deposited dust concentrations frequently exceeded 4g/m²/month on the site boundary. Whether this also exceeded the criteria at the nearest receiver as specified in B55 cannot be determined as dust deposition monitoring was not conducted at the receiver.</p> <p>Realtime dust monitoring results for 2020 indicates that PM₁₀ on the boundary was satisfactory. No dust monitoring data (either dust deposition or real-time dust) was available for 2019, therefore emissions during this period have not been confirmed.</p> | <p>Recover and retain 2019 dust monitoring data or report non-compliance along with corrective actions.</p> <p>Record actions taken in response to elevated dust readings.</p> | <p>Dust monitoring data for 2019 is not available due to contractor demobilising from site since 2019.</p> <p>SIMTA to review reporting requirements.</p> | Prior to submission of the next Compliance Report. |
| B58 | Non-compliance | <p>CoC B58 requires air quality monitoring to be undertaken during early works, fill importation and construction.</p> <p>The Auditor requested the dust deposition gauge and real-time dust monitoring results from 2019, 2020 and 2021. Data was provided for 2020 and 2021. No data was provided for 2019.</p> | <p>Recover and retain 2019 dust monitoring data or report non-compliance along with corrective actions.</p> | <p>Dust monitoring data for 2019 is not available due to contractor demobilising from site since 2019.</p> <p>SIMTA to review reporting requirements.</p> | Prior to submission of the next Compliance Report. |
| B64 | Non-compliance | <p>CoC B64 requires continuous noise monitoring at sensitive receivers to be undertaken during early works, fill importation, construction and for at least 12 months following occupation of the entire site.</p> <p>The Auditor requested noise monitoring results from 2019, 2020 and 2021. Data was only available for the period covering July 2019 to October 2021.</p> | <p>Recover and retain noise monitoring data covering the entire audit period, or report non-compliance along with corrective actions.</p> | <p>SIMTA to recover and retain noise monitoring data covering the entire audit period or report as non-compliance with corrective actions.</p> | Prior to submission of the next Compliance Report. |
| B65 | Non-compliance | <p>CoC 65 sets out the construction hours to be complied with, except where activities resulting in high noise impacts are undertaken in accordance with CoC B66.</p> <p>According to the weighbridge records there were 96 x spoil truck arrivals that occurred prior to 7am in 2019. It is not clear whether these were approved under B67, noting that according to the MLP Tracking Register (for OOHV) these do not appear to have had an associated OOHV application approved.</p> | <p>Recover evidence to support site works being undertaken out of hours or report non-compliance along with corrective actions.</p> | <p>SIMTA to recover evidence to support site works being undertaken out of hours or report as non-compliance with corrective actions.</p> | Prior to submission of the next Compliance Report. |

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|------|----------------|--|---|---|--|
| C2 | Observation | <p>CoC C2 (a) requires the Construction Environmental Management Plan to be approved by the Planning Secretary prior to the commencement of construction. CoC C2 (b) requires construction to be carried out in accordance with the most recent version of the approved CEMP.</p> <p>The requirements from the consent have been incorporated into the CEMP suite as relevant. A number of observations and non-compliances have been identified in this audit with respect to fulfilling those requirements, demonstrating that there are instances whereby the CEMP has not been implemented in full. In particular there is a lack of available evidence from works undertaken during 2019. That being said, evidence suggests that the deficiencies appear to have been generally identified and recorded in accordance with section 4.4 of the CEMP.</p> | Recover evidence of implementation of the CEMP and Sub-plans for 2019 or manage as non-conformities with the documents as per section 4.4 of the CEMP. Where a non-compliance may have also occurred, these should be reported. | SIMTA to recover evidence of implementation of the CEMP and Sub-plans for 2019 or report as non-compliance with corrective actions. | Prior to submission of the next Compliance Report. |
| C10 | Non-compliance | <p>CoC C10 requires the proponent to submit an annual review of the environmental performance of the development(including all tenants and occupants) to the Department.</p> <p>There is no evidence available to demonstrate that the 2018 Annual Review (submitted to DPIE on 24/06/19) was also submitted to Council.</p> | Recover evidence of the submission of the 2018 Annual Review to Liverpool City Council or report as non-compliance with corrective actions. | SIMTA to recover evidence of the submission of the 2018 Annual Review to Liverpool City Council or report as non-compliance with corrective actions. | Prior to submission of the next Compliance Report. |
| C19 | Non-compliance | <p>CoC C19 requires that within three months of commencing an Independent Environmental Audit, a copy of the audit report must be submitted to the Planning Secretary, including a response to the recommendations contained in the auditreport and a timetable for implementation of these recommendations.</p> <p>The Auditor requested evidence that the first Independent Audit Report was submitted in accordance with this condition. No evidence was provided.</p> | Recover evidence of the submission of the 2018 independent audit to the Planning Secretary, or report as non-compliance with corrective actions. | SIMTA to recover evidence of the submission of the 2018 independent audit to the Planning Secretary, or report as non-compliance with corrective actions. | Prior to submission of the next Compliance Report. |
| C20 | Observation | <p>CoC C20a)vi) and C20b) requires that the website contain a summary of the current stage and progress of the development and that information be kept up to date.</p> <p>The planning process section of the webpage does not reflect the current progress, nor is it up to date. All other information appears to be up to date.</p> | Update the 'planning process' section on the website to reflect the current progress. | SIMTA to update the 'planning process' section on the website to reflect the current progress. | Prior to submission of the next Compliance Report. |