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7 May 2021

Moorebank Precinct West Stage 2 (SSD 7709): Submission of Response to March 2021  
Independent Audit Report

I refer to SSD 9439 approved on the 11 November 2019.

In accordance with condition C17 (b) of the Development Consent, the following document has been submitted to the Planning Secretary for information:

- Independent Audit Report, Moorebank Intermodal Precinct West Stage 2 – SSD 7709, Wolf Peak April 2021.04.26

As per the requirements of Condition C18 which outlines the requirement:

- To review and respond to each Independent Audit Report (Attachment A).
- Submit the response to each Independent Audit Report (Attachment A), and
- make each Independent Audit Report and response to it publicly available.

I hereby provide the 7 day notification of our intention to publicly release the response to the Independent Audit with in 60 days of this submission to the Department in accordance with consent condition C18 (c).

Regards

A handwritten signature in black ink, appearing to read 'Daryle McKone', with a large, stylized flourish at the end.



**Daryle McKone**  
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Attachment A : Applicant Response to Audit Report Non-Compliances and Observations.



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Item	Ref	Type	Details of Item	Audit Recommendation	Timing	SIMTA Actions	Evidence of Action
1	CoC A7	Observation	<p>CoC A7 requires that only VENM, ENM, or other imported fill material approved in writing by EPA is to be placed on the site. The Auditor interviewed the weighbridge operators and auditees and asked how they determine whether the material being imported is the same material as that covered by the material classification report (and that approved by the Project to be imported to site). The auditees advised:</p> <ul style="list-style-type: none"> <li>- the Project has no relationship with the material consigner. Material import bookings are done with the transport company only.</li> <li>- The Project undertake a visual inspection at the weighbridge and unloading point to confirm that the material looks consistent with the approved material (e.g.: sandstone, shale etc).</li> <li>- Trucks are fitted with GPS enabling the Project to assess the route travelled and stops made. Records were provided.</li> <li>- Periodic audits of trucks (i.e.: tailing of truck from the source to the Project) to verify the proper supply of material was not happening at any set or regular frequency. It is understood from the interview that the last tail was completed</li> </ul>	<p>It is noted that the Import Procedure does not include a set time frequency for trailing trucks, however CARAS have agreed to update the procedure to include a truck tailing audit on a monthly basis going forward. CARAS also requests GPS information on trucks as part of their Chain of Responsibility audits or when a truck appears to have been hauling an extra load. CARAS will update the procedure to include a fortnightly audit on three randomly selected trucks within the period to review their GPS reports.</p>	Prior to Next Audit	Update procedure to include monthly truck trailing audit and fortnightly audit of GPS reports from three random trucks.	Pending



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			<p>in December 2020, however records provided were from 2018. It is unclear how many tails have occurred during the audit period.</p> <p>A request was made for the auditee to provide any procedures that they implement to provide certainty that the material received is in fact the material requested (and approved). A procedure was referred to by the auditee, but this was not provided to the Auditor.</p> <p>It is the Auditors opinion that there is an opportunity for the transport company to import material from sources other than that approved by the consumer (i.e. the Project) without the Project's knowledge.</p>				
3	CoC A57	Non-Compliance	<p>CoC A57 requires that prior to the issue of a Construction Certificate for any part of the development, the Applicant must pay a monetary levy of 1% of the development Capital Investment Value (\$5,330,000) or other amount agreed to by Liverpool City Council for transport, drainage, community facilities, administration and professional and legal fees pursuant to section 7.13(2) of the EP&amp;A Act.</p>	<p>Retrieve evidence of payment or complete payment to Liverpool City Council.</p>	<p>Prior to next audit, or prior to the issue of the next Construction</p>	<p>Payment was made 30/11/202 prior to issue of Construction Certificate. Evidence was not available at the time of the audit.</p>	<p>Evidence of Payee advice provided to Auditor via email on the 27 April 2021.</p>



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4	CoC A58	Observation	<p>CoC A58 requires that the Applicant must provide all monetary contributions and/ or works-in kind as relevant to the site, in accordance with the Voluntary Planning Agreement entered into between RMS and Qube RE Services (No. 2) Pty Limited in its capacity as the trustee of the Moorebank Industrial Terminals Asset Trust, Moorebank Industrial Terminals Operations Trust and Moorebank Industrial Warehouse Trust and executed on 25 March 2019 (VPA).</p> <p><b>The auditees advise that there have yet to be any works in kind completed to date. However, a Voluntary Planning Agreement has been entered into, and there is no evidence of monetary contributions being made.</b></p>	Complete payment of contributions to RMS (TfNSW).	Within the timeframe specified by the Voluntary Planning Agreement	Payment was made 30/11/202. Evidence was not available at the time of the audit.	Evidence of Payee advice provided to Auditor via email on the 30 April 2021.
5	CoC B32	Observation	<p>CoC B32 requires that the CPESC must undertake monthly inspections during construction, report on implementation of the SWMP and recommend any improvements to the SWMP and site control measures. The CPESC's report must be provided to the Planning Secretary monthly for the duration of construction or another time period as agreed by the Planning Secretary.</p> <p><b>The CPESC Reports identify areas of improvement, however there is no</b></p>	Update the CPESC Reports to clearly show how areas of improvement have been addressed prior to removing them from subsequent reports. Include correct dates within the CPESC Reports.	31/05/21	CPESC reports have been updated to include close out of improvement / action items. CPESC advised with regards to accuracy of dates	Evidence of updated CPESC report provided to Auditor via email on the 27 April 2021.



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			<b>evidence to show in subsequent reports on how these are addressed. Additionally some dates do not appear to be updated for each report.</b>				
7	CoC B84	Non-Compliance	CoC B84 requires that the Applicant undertake the following road infrastructure upgrades, in accordance with the specified timing requirements as set out in Table 1. <b>The design has been submitted to TfNSW and they have requested additional information. As such the 100% design has not been approved within 12 months of the date of consent.</b>	Obtain approval from TfNSW on the 100% design.	As soon as practicable	Designs have been submitted to TfNSW. SIMTA is awaiting assessment and comment or approval.	Pending
8	CoC B87	Observation	CoC B87 requires that existing and future utility and service infrastructure must be located outside the roadway being upgraded. The Applicant is to locate any drainage infrastructure to support the Stage 2 development entirely within the development site and not within the roadway, unless agreed by RMS. <b>The Department approved revised Development Layout Drawings under CoC B2 on 29/05/20. The CoC B2 plans demonstrate that these services are <i>within</i> the verge. This information is also within the CoC B84 design that is being assessed by TfNSW. This</b>	Obtain approval from TfNSW on the 100% design.	As soon as practicable	Designs have been submitted to TfNSW. SIMTA is awaiting assessment and comment or approval.	Pending



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			<b>assessment is ongoing. There is no timing on this requirement on this requirement and design is not complete.</b>				
9	CoC B88	Observation	CoC B88 requires that road design must incorporate structures for fauna movement between the Georges River riparian corridor and the Boot Land, either under or below the road. <b>The approved Koala Management Plan (KMP) (prepared under CoC B152) identifies only a north-south movement of fauna (not east-west between the Georges River riparian corridor and the Boot Land as identified by this condition). At this stage the design of the roadways do not incorporate east-west movement of fauna between the Georges River riparian corridor and the Boot Land as required by this condition. Road design is ongoing.</b>	Amend road design to incorporate structures for fauna movement between the Georges River riparian corridor and the Boot Land.	Prior to construction of the relevant portions of the road	As identified during the audit, the KMP prepared under B152 identifies that an east west corridor is not required. Hence, an application will be made to modify B88.	Modification 2 to be provided to DPIE.
12	CoC C14	Non-Compliance	CoC C14 requires that (among other things) the Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.	Notify the Department and Certifier of publication of the next Compliance Report.	At least 7 days prior to publication	Department and Certifying Authority will be notified in writing seven days before the Construction Compliance Report 1	Pending



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Item	Ref	Type	Details of Item	Audit Recommendation	Timing	SIMTA Actions	Evidence of Action
			<b>There is no evidence available to demonstrate that the publication of the Pre-Construction Compliance Report was notified to the Department or the Certifier</b>			is made publicly available.	