

Despite the affectations of a positive outcome by the proponents of this proposal, I have the following commentary in regards:

Flora

Invasions of the *Hibbertia fumana* habitat being identified as eligible for “critical endangered species” listing under Part 1, Schedule 1A of the Threatened Species Conservation Act, 1995. It is provisionally listed such under definition by Part 2 of the Act.

See the NSW Scientific Committees report on their determination referenced:

<http://www.environment.nsw.gov.au/resources/threatenedspecies/determinations/PLHibbfumCR.pdf>

Under s34A(2) of the EP&E Act, has there been constructive and scientifically based consultation with the Chief Executive of the Office of Environment and Heritage in regards?

I am uncertain as to how development will affect this population. A proposed 25 metre separation distance from the population is what the proponents have suggested. Under what basis? Conflict between the NSW Scientific Committee urgency and dire prediction for the species and a meagre 25m. I am no expert, but given the circumstances, a far more ubiquitous development exclusion zone and embracing precautionary principles, would not only be a small step in not encroaching the population, but offer more than a piecemeal and lacklustre attempt at an opportunity to increase in population. It makes little sense to truncate the longevity, pervasiveness and distribution of a threatened population. This is not consistent with the approach of Ecologically Sustainable Developments in accordance with Environmental Protection and Biodiversity Conservation Act, 1999, but apparently consistent with the proponent's ethic of threatened species and habitat annihilation.

General management of existent site pollution

Is the authority satisfied given the prior use of the site, that the number, concentrations and distribution of pollutants investigated, that a detailed investigation is warranted in accordance with SEPP Number 55 – Remediation of Land clause 7(3)? Is the authority satisfied that the proponent's Construction Environmental Management Plan (CEMP) contamination management plan is sufficiently capturing relevant and probable pollutants? The inability to access a number of sites for the PFAS/PFOS survey is not sufficient demonstrative evidence to dismiss presence of these compounds beyond reasonable doubt. The completed PFAS survey for the 2016 EIS either concedes that the scope of initial investigation was flawed, or a thorough survey conducted. Information of the nature and prevalence of these compounds has been evolving rapidly, and an approach that utilises a widespread sampling techniques for soil, surface and ground waters should be adopted for the site.

Commitment to renewable energy sources

There is contradictory evidence by the proponents claims of job statistics (1400 – inclusive of what exactly) and the premise for the \$150 million loan from the Clean Energy Finance Corporation. Automated Autostrads are only part of the answer, and are already part of facilities in both Sydney and the Port of Murarrie. Does a 21st century venture build a facility based on 19th century economics? Man power, jobs, manual labour will triumph? Bet your bottom dollar that BATEA and best practice **will** play a part when it comes to profits. This demonstrates a poor allocation from CEFC based on one commitment of emission reduction, and it pays dividends to the proponents twice, as the machinery that eliminates manual labour will be directly incorporated to the operating model.

The ideal of the CEFC endorsing this loan to the Moorebank Precinct solely for solar capture is fantastical at best, and aside from the Autostrads, no approach to vehicular emissions or materials

sourced from the recapture of energy for example have been broached.

Monitoring of air quality indicators and noise

I am still in the dark as to who undertakes the monitoring, what reporting requirements exist (6 monthly or annual reporting has been indicated for air quality which is negligently infrequent given the activities intended to be undertaken on site), who the referring authority may be (an unfunded council has been implicated), the effectiveness of the complaints process, and the procedural review of site activities involved with receptor complaint. Annualised reporting is a good tool for regional contributions, but it “smooths” legitimate reporting frequencies of air quality indicators that are either reported instantaneously, through short term exposure limits, through time weighted averages and rolling 24 hour exposure, for example, and the approach favours regional impact, yet belittles direct impact of the proposal at its boundary to those who will be most affected by its operation, prior to dilution and dispersion effects.

For dust I note a figure of 2g/m3/month as an indicative measure.

Noted that the development will contribute insignificantly to regional PM2.5, as the Liverpool area is already at 103% of the current NEPM recommendation. Does this mean that it is not a priority as the air is already beyond the target, or does it mean that correct planning and embracing of best practice ensures that the least impact ensues? I believe it to be a “cop out.”

The proponents have an opportunity to demonstrate commitment to best practice in regards.

Traffic

Note in the SSD Assessment Report that three intersection upgrades that are staged to relieve congestion directly associated with the development (Moorebank Intermodal Precinct East Stage 2 SSD7628 page 5, B13) are grossly inadequate as previously submitted statistically correct traffic modelling for this project has indicated. Historically, traffic modelling for this project has been farcical.

Ecology

“Lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation“ (Ref:EDO NSW). As there exists a conservation overlay regarding the threatened species found on site (identified and approved through the MPE Concept Plan), the decimating of such was approved by the Federal Government in March 2014 as a “controlled action”, what effort is being made to regenerating biodiversity typical to the area? Noted are biodiversity credits as a system to tally the destruction of habitat. Is there a decree to regenerate some of the species destroyed as opposed to non-local species that can be for the purposes of not only restoring what was part of the “controlled action” but complementarity to provide some noise mitigation and heat offset from the urban heat impact?

What of the riparian vegetation that is decimated at the SE corner boot land? Credit harvesting – is this considered sufficient?

The eastern side of the proposal is exposed of vegetation to its closest receptors. There is a direct line of sight to the development from the boundary of Wattle Grove. This not only has visual impact but certainly for noise as well. Not a good example for the 50 million trees project, and any attempt to minimise project impact.

It has been demonstrated that the proponents have no interest in maintaining ecological values through their application to eliminate threatened species at the MPE site, and an underhanded

“failure to disclose” the significance of the find of the critically endangered *Hibbertia sp.* No Botanist who conducted the EIS would be in any doubt of the significance of the findings on site.

Noise

Noise complaints are only justifiable if it is proven that machinery is not operated in a "proper and efficient manner" POEO Act (1997) s139, s140. This being the case, and given that the proponents lacklustre approach to prove beyond reasonable doubt that noise emission will be minimal from source rather than concede that there will (or potentially entertain the notion that it may possibly) be noise excess as a consequence of the proposed activities on site, the lack of investment in effective mitigation 1. at source, 2. its transmission, and 3. reception of, the frequent temperature inversions and climatic nuances - and invest in mitigation accordingly. If the proponents were considering that there may be a number of complaints in regards, what investigative powers will the authority have and what reporting duty will be forthcoming by the proponents to assure that machinery is indeed operating in a “proper and efficient manner” (Moorebank Intermodal Precinct East, Stage 2 page 3, A32) given they have no interest and no jurisdiction over the machinery that attend site? How are these to be a realistic condition of approval without policy? The argument concerning machinery attending site has been previously raised for air quality indicators and subsequently dismissed. The proponent's approach does not appear to be risk averse, it appears to be profit driven.

Given the 24 hour a day 7 day a week operation there is stated a requirement for “ongoing monitoring to prevent sleep disturbance” (Ref: SSD Assessment Report SSD7628). As the council is the delegated authority for the development;

- a) who is conducting the monitoring,
- b) what reporting criteria for data collection and exceedence criteria exist, and irrespective of these criteria,
- c) what reporting avenues and investigation surety do residences or receivers of noise have?

Will receivers (sensitive or otherwise) of nuisance noise in accordance with s268(2) of the POEO (1997) be required to approach the local court to report offensive noise?

What are the project noise trigger levels? According to the NSW EPA “Guide to Noise Policy for Industry” states that noise management should be “applying all feasible and reasonable measures to reduce predicted noise levels to the project noise trigger levels when predicted noise levels are above these levels.” These include project amenity and intrusiveness noise, and adopting the most stringent of the two. Previous carnations of noise policy mentions background plus 5dBA. Have the latest guidelines published by the NSW EPA “Noise Policy for Industry” (October 2017) been adopted and implemented for this application?

The emphasis on dBA for an authoritative approach has reduced the importance on low frequency noise impacts from road vehicle, indoor ventilation and air conditioning generation (Ref: “Proceedings of the 20th International Congress on Acoustics, 2010). These are activities and infrastructure that are proposed as part of this development. Night period sensitive receivers may be duly affected, and without any monitoring, the issue is not a consideration. Monitoring is necessary.

The generation of noise from operational machinery and reflection this noise from the eastern infrastructure combined with the precinct noise, combined with the topographical characteristics of the lie to the east of the boundary and the intention to level and raise the MPE site are collectively cause for concern in regards cumulative noise impacts and should be assessed as such, given proximity of sensitive receivers to the east as a distance of approximately 360m. Note the direct line of sight exposure of Wattle Grove residents to the east of MPE.

The Department is correct in recommending a “condition providing noise limits that closely relate to the predicated noise levels.” The staged approach of the Operational Noise Report (ONR) is a fair expectation to ensure that predicted levels are not surpassed. I am unsure who the reporting body is for this condition, and how independent the data collection will be, and what conditions would arise for limit breaching. This condition of a staged monitoring approach should well be extended to other periods of the construction and operational stages to test the robustness and integrity of the predicted noise data at sensitive receivers.

24 hour a day operation although stated by the SSD Assessment Report SSD7628 as “not considered to result in adverse traffic noise” will have negative impacts on affectation of tonal noise, and whether deemed within guidelines or not, will have negative psychological, health and amenity impacts. Residents are already accustomed to their peace, some for over 20 years, and significant proximal will affect negative change.

Hydrology

Figure 13 page 31 of the Moorebank Intermodal Precinct East, Stage 2 incorrectly indicates the levels of current ground level and proposed ground level.

Wet weather event flows for the catchment will challenge systems to the east and west and proportionate discharge should be diverted away from the Anzac Creek side (east) and it is anticipated that this is correctly captured by hydrographic modelling (catchment volumes, conduit sizes, discharge velocities and the effects thereof – turbidity, scouring of native banks, biota etc.) of the native waterways and hence storm water design.

It appears that the boot land to the south east is encroached upon, or at least has bank elevation changes, although I am not certain given the submitted plan. I trust this factor has been accounted for in Anzac Creek flood level flows, not only for Anzac Creek but for native bank characteristics on both sides. If one storm water outlet to Anzac Creek is planned, what contingency is there?

Concrete batching

In regards the concrete batching plant, given separation distances is not the only factor involved with the operation of such, what part of the site is intended to be utilised for this purpose? The character of the surrounding environment is a consideration in the positioning of such, and access or centrality to truck movements imperative.

Unified approach

Again and again, I am appalled at the deceptive approach of the proponents to have the functionality and entirety of the project (whole-of-precinct) diluted. It has been divided into components, split into stages, components modified, intent of usage changed, and development approval sought as individual components only. Any grade 1 child knows mathematics sufficiently to know that the addition of smaller components equals a total.

Financial penalty should be considered for the proponents due to indecisiveness, number of modifications, investment of time from government and private sectors for due process considerations, as should disallowing future amendments of this precinct application. With a poor project scope, inadequate proponent assessment processes, knowingly failing to invest in public infrastructure, and the list goes on... the project is losing its flavour.

Urban Heat Impact

What improvements or proposals have been forthcoming and agreed upon to reduce the Urban Heat Impact in regards potential changes to green space, canopy additions, building materials, spacing and form of infrastructure?

Architectural appeal

The design features of texture, form, colour, harmony of the warehousing are sadly lacking in inspiration and appeal, but is thankfully consistent with the region's woefully unimportant focus on these elements as being relevant, not risking the dizzying heights of such progressive cities as Melbourne!

Storm water

WSUD is identified in the assessment report to ensure design is with best practice. Excellent! The inadequacy of any storm water, drainage and erosion control plan is that it rarely accounts for the dynamic nature of soil movement throughout the staged nature of earthworks, and needs to be captured in the Erosion and Sediment Control Plan (ESCP). Oftentimes one document supposedly captures all phases and environmental conditions. Given the volume of exposed soil, and the intended area of the project prone to erosion by wind and water, the creation of nuisance dust and silt run-off beyond the boundary environments and to receptors is most significant.

Detailed plans of silt and sediment capture need to be provided as a time line with provision for sediment run-off prevention, capture and treatment for;

1. A staged approach reflecting the dynamic nature of earthworks through the construction phase, and
2. Provision for Bureau of Meteorology forecasts of extreme affecting weather events.

The proponents have an opportunity to demonstrate commitment in regards.

Ethic

Despite several attempts to “massage” the term mitigate, it has been the duty of the public and contrarians of the proposal to test the inadequacies of the development rather than the proponents forthright investment in infrastructure that could be considered “best practice” or BATEA.

Even in responses to the TfNSW in the MOD2 (MP10_0193MOD2) Consolidated Assessment Clarifications, deflection of infrastructure investment is evident. Repeatedly, commentary is deflecting of future development applications for the site. Given the mediocre reputation of the proponents in relation to the historical applications, amendments, modifications, and new geneses of this Moorebank Precinct, TfNSW is correct in requesting a lawful condition regarding traffic signals. Given the proponent's history of quality mediocrity in traffic modelling, any legitimate basis or requirement requested by a Road Authority as a condition should be respectfully accepted (not “considered” or dismissed).

Economy

One of the benefits of the project touted is that of an economic benefit. The intended benefit of this development has diminished significantly or been made redundant by the lag in its genesis. It was to facilitate the economy of the city through a freight strategy, but given the inability for timely state planning, the economic benefit may well be outweighed by its diminished ability to deliver projected positive economic outcomes. This is through no fault of its own. Sydney has changed to the city it is now, and a great deal has changed from the time when the Moorebank Intermodal plan was conceived. The proposal satisfies some criteria of the draft Western City District Plan, but unfortunately is located poorly in the south west, and does not align with other future plans of the city such as the Western Sydney Freight Line and Badgery's Creek Airport for example.

Conclusion

Little evidence exists for this to be a positive development for the local community. Unfortunately, this “gift” to the custodians of the site is seen as a development that will tick a few boxes as a State Significant Development and a few strategies that are being kicked around, relieving the squeeze

for freight and container handling in the city. Sad how it was not really measured twice before cutting. Consent for the development by the Minister, should be considered not to be granted in accordance with s89E(1)(b) of the EP Act, 1979.

Afterthought

I am sad. I am sad that my little piece of paradise may no more be. I am sad that my family, neighbours and friends may suffer now and for future generations because of this decision. I will find it difficult to come to terms with the fact that I may have to leave given the impact this proposal could have. I applaud the commission for attempting to keep the development honest within the realm of its capability.