

Submission with respect to Moorebank Intermodal Precinct West Stage 3 SSD-10431)

From: Sharyn Cullis. PhD, Science and Technology Studies UNSW, Secretary Georges River Environmental Alliance. M. 0421 714 391.

Attention; Commissioners Diane Leeson and Richard Mackay AM
Section One is the Script for the also attached Power Point Presentation made to the IPC hearing 19/4/21 (p. 1). Section Two is a discussion of the DPIE Draft Conditions of Consent, with suggested re-drafted amendments. (p.3)

Section One

Slide show Script

Slide One

Good Morning, and thank you for this opportunity.

Through-out my presentation I use 'we' to indicate a position held by the Georges River Environmental Alliance, and "I "when relating to my own experiences as a member of the Moorebank Intermodal CCC.

Slide Two

There are 2 parts to my presentation. The first relates context to the set of images I wish to show.

- Firstly, is the depressing and compounding creep of approvals and modifications. I will give just 2 examples. The Dec 2020 amendment (SSD 5066) that increased the height of Stage 2 warehouses from 21 to 45m high. Another disappointment, was a Mod. of MPE 2 in Jan 2021, to eliminate all the landscaping bays, in a particular carpark, set aside to provide canopy trees for shade and cooling.
- Secondly, the process keeps changing the rules to assist the development, whilst it disqualifies any consideration of compounding risks to local people and their place.
- Thirdly the only point of me being here, is to ask for ways to deliver better environmental outcomes and social equity, by stretching the scope of your Stage 3 Assessment, and not use it as a limiting excuse.

So, the second part of my presentation will be to suggest ways of achieving fairer and better outcomes by addressing some of the draft Conditions of Consent.

Slide Three

Before I get there, here on the left is the first Master Plan for Moorebank West that fooled us. It showed generous perimeter plantings. By 2018, they were gone. Most significantly though, MPW began as a considerably smaller footprint, with naturalised ponds, and at least 3 out of 4 of them were within the development, not in the riparian conservation zone. The protected riparian zone was generous and wide, and the environmentally sensitive

stormwater management had no direct discharges into the Georges River, and that was feasible and desirable. What we are actually now getting is the dreadful RHS Master Plan.

Slide Four

True WSUD actually maintains ecosystem services and has multiple benefits. The works should achieve visual and recreational amenity, infiltration rather than runoff, greenery and climate cooling through wetlands and ponds, and provide in situ biodiversity benefits. This development is a big fail in that regard.

Slide Five

Our changing climate will increase the risks of storms and floods. All of the EA's associated with this project ignore the Maximum Probable Flood. This, a flood map for the project, shows only the inundation associated with a 1:100 event, shaded in purple. Who knows where a really big flood would go, and clearly no responsible agency cares.

Slide Six

I felt that the significance of the PFAS legacy was being trivialised during our fieldtrip, but know there is documented evidence that the problem is significant here. There are already health warnings against eating fish caught in the Georges River as a result of PFAS, so there should be zero tolerance for any further contamination.

Slide Seven

This is Glenfield Farm, and the view to its east. Why did this rail configuration have to be so brutal in spoiling the view not just from this heritage item, but also from the ridgeline of Leacocks Regional Park? One of its original values in being gazetted was its fine ridgeline bush views to the east.

So, the lesson here, is it is never too early to think and plan for the tree screening needed for the next 45-metre-tall warehouses that are likely to come, as that precedent has been set.

Slide Eight

This photo is from the rail overpass at the southern end of MPW 3, So looking north we see the new residential towers near Liverpool CBD, to the west along the Casula ridgeline are the homes, that will overlook a heat-generating island of 2sq kms of hardscape, glaring rooves by day, also lit totally up all night.

Slide 9

Temperature inversions, are common on these western lowlands of the Sydney basin. Air pollution is trapped, without dispersing wind patterns. This is exacerbated by traffic, which is intolerable and about to worsen. This place will become increasingly unliveable for people and wildlife as a result of the Intermodal.

People aren't here to tell you that, not because they don't care. They are angry, but aren't bothering because this scenario to be delivered by these planning processes have broken them.

Slide 10

There will be plenty of future opportunities for the public shaming of this project, but that won't help fix it, so today is a chance to find some ways to mitigate the externalities through the conditions of consent. (These are discussed in the following 2 sections.)

Section Two

DPIE Draft Conditions of Consent and recommended Amendments.

*Here is a discussion of the **DPIE Draft Conditions of Consent**, and how they may be modified to provide greater amelioration of the unacceptable environmental and social impacts of the Moorebank West Precinct, Stage 3. **I have identified firstly the 5 most significant of those. I discuss those, and suggest an alternative drafting for each, that would be more acceptable to the Georges River Environmental Alliance, as Recommendations (amendments/changes in red).***

- A. In respect to Draft condition A31** for monitoring and site auditing. I have read a supposed independent environmental audit for Stage One, conducted by Wolf Peak and dated August 2019,

https://simta.com.au/wordpress/wp-content/uploads/2020/11/MPW-Stg1-audit-report_Rev1_COMBINED.pdf

It was neither 'independent or rigorous'. At that stage it did not even mention PFAS groundwater contamination, nor discuss the 14 PFAS surface collection ponds, (even though it photographed one of them). The only audit tool referred to were 'interviews' with the auditees.

So as a result of this, I would recommend that a step requiring an independent peer review, and greater public scrutiny be involved in this process.

My comment also applies to other conditions for Site Auditing including C36, and C41. Where it stipulates the selection of the independent auditors is the responsibility of the Planning Secretary, it would be ideal if this condition also stipulated the selection of an expert peer reviewer.

Existing condition **with recommended changes**

A31. Any **condition** of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing. **The outcome of an any site audit, should result in an Audit report, that be reviewed by an independent peer reviewer, selected by the DPIE, rather than the proponent. Further any draft audit report, be presented to the Community Consultative Committee, by the peer reviewer as part of the review process.**

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a

periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

C36. The Applicant must ensure that the Site Audit Report and Section A Site Audit Statement prepared under condition B169 of MPW Stage 2 (SSD 7709) are implemented for the duration of construction and operation of the development. **The outcome of an any site audit, should result in an Audit report, that be reviewed by an independent peer reviewer, selected by the DPIE, rather than the proponent. Further any draft audit report, be presented to the Community Consultative Committee, by the peer reviewer as part of the review process.**

C41. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit. **The outcome of an any site audit, should result in an Audit report, that be reviewed by an independent peer reviewer, selected by the DPIE, rather than the proponent. Further any draft audit report, be presented to the Community Consultative Committee, by the peer reviewer as part of the review process**

B. Condition B25 regarding PFAS is disgracefully inadequate. It states “should the Applicant identify a PFAS risk, to off- site receptors, they need to contact the EPA and discuss it with the community. Really?”

The PFAS risk to external receptors, the Georges River and threat to human health, have. Been recognised at least since the Arcadis Contamination report in **2016, and followed by the Caras PFAS Contamination Management Plan (2018)** <https://simta.com.au/wordpress/wp-content/uploads/2018/04/Moorebank%20Precinct%20West%20Early%20Works%20PFAS%20Management%20Plan.pdf>

Most lately the **ER Risk** consultant’s report of 2020 explicitly laid out a LTEMP plan, with a model for PFAS management in groundwater. I see no documentary indication that the applicant has accepted its responsibilities for this.

So, I recommend that this condition be re-drafted to makes it clear who will own the responsibilities for the LT management of PFAS, in perpetuity.

Existing condition **with recommended changes**

B25. As the applicant has identified the potential PFAS risk to off-site receptors the Applicant must contact the EPA as soon as practicable to discuss requirements for community consultation and the management of identified risks. The applicant must define the Long Term Environmental Management for groundwater PFAS contamination, and identify the site manager, and the responsibilities for its management in perpetuity.

C. Condition C39 States the Applicant must ensure the LTEMP prepared under the relevant condition B172 of the MPW Stage 2 approval should be in place. We concur and urge you to carefully consider the EP Risk, Long Term Environmental Management Plan, December 2020, for its both its adequacy and management implications. https://simta.com.au/wordpress/wp-content/uploads/2020/12/EP1489.001_Qube_MPW%20LTEMP_v13_LR.pdf

By the way, it does locate clearly PFAS hotspots and a management model for groundwater interception. (eg Figs. 3 and 4). I recall the applicant’s representative conducting the fieldtrip saying that some groundwater movement from Stage 3 would migrate towards

Anzac Ck, whilst the rest of the plume will move towards the Georges. People catch and eat fish directly out of the Georges, and that is a problem. However Anzac Ck, is a problem too, as it drains through its highly urbanised catchment of Wattle Grove and Moorebank, and then into the Georges, so it is no place for the deposition of PFAS either.

Condition C39 states the LTEMP should be for the **duration of construction and operation** of the development. We assume that means in perpetuity, as legacy impacts or PFAS but also for stormwater management, are very important.

The stormwater design adopted with a blanket of hardscape, very minimal opportunities for bioretention, and non-specified and unlikely provisions for stormwater harvesting, presents high risks of failure and will require future retro-fits.

The outlet structures that discharge directly into the Georges River, are no advance on the design of the structures downstream at both Warwick Farm and Chipping Norton that demonstrate a pattern of failure. Even in minor storm events the volumes and velocities of piped discharges, creates undermining erosional whirlpools around them leading to their structural breakdown and river damage as well.

So a Condition should be added to ensure that future costs of repair are borne by the development itself, and does not become a legacy to local councils, their ratepayers, nor the Biodiversity Conservation Trust. Retro-fitting or future repair must not further impinge on the Biodiversity Offset areas.

Existing condition **with suggested changes**

C39. The Applicant must ensure that the Long -erm Environmental Management Plan/s (LTEMP) prepared under condition B172 of MPW Stage 2 (SSD 7709) is/are implemented for the duration of construction and operation of the development. **These should consider, but not be limited to, significant legacy issues in relation to the management of contamination, including PFAS, and stormwater. The plan/s must nominate a site manager, and responsibilities in perpetuity.**

Add an additional consent condition like;

xx. The Applicant must ensure that future costs of stormwater infrastructure repair are borne by the development itself, and does not become a legacy to local councils, their ratepayers, nor the Biodiversity Conservation Trust. Retro-fitting or future repair must not further impinge on the Biodiversity Offset areas.

Conditions B20-B22 set an explicit requirement that strategies for noise mitigation be developed with the CCC committee, (B20(d)) but nothing else of intense public interest is thus identified. So, we urge a re-drafting so that the same consultation with the CCC occurs for light spill, a huge issue for Casula residents, plus stormwater impacts and flood emergency response procedures.

Suggested sub-section to apply for B20, 21 and 22, that is emulate for each

4. (d) **include strategies that have been developed with the Community Consultative Committee (CCC) for managing -----(high noise generating works), light spill, stormwater impacts on the receiving watercourses and flood emergency responses.**

Others

Draft Conditions of Consent A14 and 15 which stipulate no construction, clearing or maintenance access is permitted within the riparian corridor. “stockpiling and any other earthworks” are terms that should be included and spelt out. Furthermore, signage to the effect along the clearly delineated fenced boundary must be a condition also.

Changed to

A14. No construction (including clearing and maintenance access), **stock piling or any other earthworks is** permitted within the riparian corridor. **Signage along the delineated fence boundary must be installed to this effect.**

A15. No works in the riparian corridor outside the site are permitted under this approval. **Signage along the delineated fence boundary must be installed to this effect.**

Condition A32 stipulates the public sharing of the applicants’ documents on their website, and specifies 10 documents, including audit reports. There is a need to add, any Reports of the Applicants non-Compliances. We note that this makes A32 consistent with a later condition A43.

A32. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

1. (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 1. (i) the documents referred to in condition A2 of this consent;
 2. (ii) all current statutory approvals for the development;
 3. (iii) all approved strategies, plans and programs required under the conditions of this consent;
 4. (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 5. (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 6. (vi) a summary of the current stage and progress of the development;
 7. (vii) contact details to enquire about the development or to make a complaint;
 8. (viii) a complaints register, updated monthly;
 9. (ix) audit reports prepared as part of any independent audit of the development and the Applicant’s response to the recommendations in any audit report;
 10. (x) any other matter required by the Planning Secretary;
 11. **(xi) Reports of the Applicants non-compliances** and
2. (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

Condition 27 adopts fire standards and a condition is needed to address the flood standards of 1 in 1, 1 in 5 and 1 in 100 risk events, but now given the accepted climate change impacts

of increasingly severe flood and storm events, must also now take account of the maximum probably flood standard as recognised by the Australian Bureau of Meteorology and hydrological flood modelling research.

<http://www.bom.gov.au/water/designRainfalls/document/GSDM.pdf>

https://www.researchgate.net/publication/280924321_Development_of_Probable_Maximum_Flood_PMF_for_Sultan_Abu_Bakar_Dam

A condition must be drafted to address the flood standard issue, and perhaps inserted in this context.

Conditions B9-B13 refer to the intriguing role of the Environmental Representative. The role of this person, should not just extend to the reporting to the Planning Secretary, but explicitly also to the Public, and in that regard, particularly to the CCC. If such a person has existed for each prior Approval for the Moorebank IM East and Wests I can't actually say that I have ever been aware of the role, and that is possibly a failing in public consultation.

Environmental Representative

9. B9. Works must not commence until the Environmental Representative (ER) approved by the Planning Secretary under the MPW Stage 2 (SSD 7709) consent has also been engaged by the Applicant to act as the ER in accordance with the conditions of this consent.
10. B10. The Applicant may appoint an additional person to act as ER, where that person is endorsed by the ER and is a suitability qualified and experienced person who was not involved in the preparation of the EIS, Response to Submissions and any other supporting information submitted as part of applications for either MPW or MPE, and is independent of the construction and design personnel for the project and those involved in delivery of it.
11. B11. For the duration of the works until 6 months after the completion of construction, or as agreed with the Planning Secretary, the approved ER must:
 1. (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the development;
 2. (b) consider and inform the Planning Secretary on matters specified in the terms of this consent;
 3. (c) consider and recommend to the Applicant any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 4. (d) review documents required under this consent and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this consent and if so:
 1. (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 2. (ii) make a written submission to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/Department for information or are not required to be submitted to the Planning Secretary/Department);
 5. (e) regularly monitor the implementation of the documents required under this consent to ensure implementation is being carried out in accordance with the document and the terms of this consent;
 6. (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings, and site visits, but not Independent Audits required under condition C44 of this consent;

7. (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
 8. (h) consider any minor amendments to be made to the CEMP or CEMP sub-plans that require updating, or amendments of an administrative nature, and are consistent with the conditions of this consent and the most recent version of the CEMP or CEMP sub-plan approved by the Planning Secretary, and if satisfied that such an amendment is necessary, approve the minor amendment; and
 9. (i) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Department's *Environmental Representative Protocol (2018)* under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven calendar days following the end of each month for the duration of the ER's engagement for the development, or as otherwise agreed with the Planning Secretary.
12. B12. The Applicant must provide all documentation requested by the ER in order for the ER to perform their functions specified in condition B11 (including preparation of the ER monthly report), as well as:
1. (a) the complaints register (to be provided on a monthly basis); and
 2. (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject works).
13. B13. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under condition A31. The Applicant must:
1. (a) facilitate and assist the Planning Secretary in any such audit; and
 2. (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.

Suggested change; Insert sub-section

14. **B14. The ER should report to each meeting of the CCC, and that report should be in the minutes of the CCC, to be placed on the Applicants website, with respect to all of the above (9-12)**

Conclusion

We note that this DA for subdivision enables final future uses of warehousing and distribution facilities, and for that reason it is really important that the approval process keeps an eye on protecting whatever provisions were put in place at the Stage 2 approval, and looks out of any opportunities to bed better ones down than those that currently exist. Whilst our focus has been on those for monitoring and mitigating, and matters relating to stormwater, flood and landscaping in particular, we acknowledge other important matters exist also.

Good Luck in your deliberations. The community looks forward to your determination and hope your statement of reasons addresses these matters

**Finally in respect to Stormwater
Stormwater
Stormwater Management Plan approved Stage 2**

No slippage ...bioretention

Explicitly provide for the bioretention, which requires space...a deep single OSD doesn't do it....where are the filtering reedbeds...you can't cut into the EEC, so where on the pavement you are about to approve for Stage 3

Hydrocarbon stripping and stormwater harvesting etc p 37.

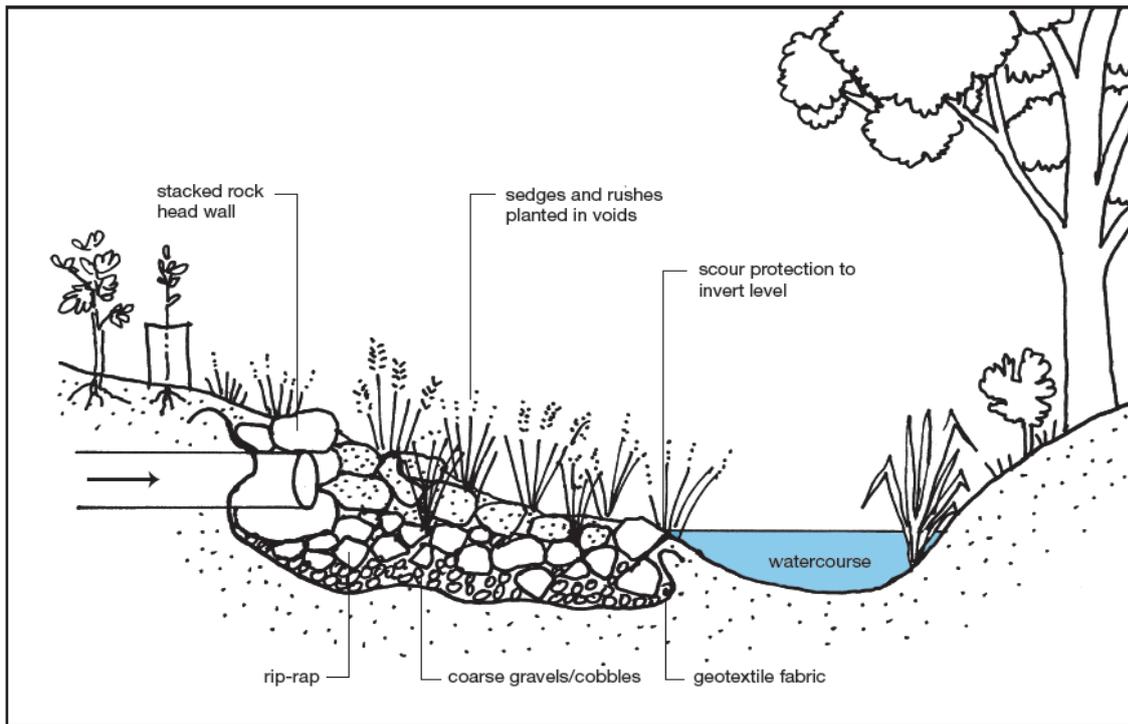
https://simta.com.au/wordpress/wp-content/uploads/2020/08/Co13455.04-01a.rpt_.pdf

Rocla and CDS

Your processes break the spirit of people, it isn't that they don't care or don't object...but they do remain silent with mostly hidden disgust...but it will come back to bite you in the end...there is evidence of

P 22 in terms of public safety.....major storm event flood standard 1 in 100

p.24 are you sure this is proposed and happening



The issue of PFAS in the groundwater recall a generalised assurance that PFAS will be capped, and the plume will no migrate towards the Georges River, and in fact the much of it drains towards the Anzac Ck catchemtn, as if that was the solution. ...Anzac Ck actually drains through the densely suburb of Wattle Grove and through the Moorebank Sports fields, before it enters the Georges River.

That blanket assurance, is at odds