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INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: MOOREBANK INTERMODAL PRECINCT WEST – STAGE 3

PANEL: **DIANNE LEESON**
PROF RICHARD MACKAY AM

LOCATION: **VIA VIDEO CONFERENCE**

DATE: **9.59 AM, MONDAY, 19 APRIL 2021**

MS D. LEESON: Good morning and welcome to the Independent Planning Commission's electronic public meeting into the State Significant Development application for the Moorebank Intermodal Precinct West Stage 3 Project, SSD 10431. I'm Dianne Leeson and I am the chair of this Independent Planning
5 Commission panel. Joining me is my fellow commissioner, Professor Richard Mackay. Before we begin, I would like to acknowledge the traditional custodians of the lands on which we are variously meeting and pay my respects to their elders past, present and emerging and to the elders from other communities who may be participating today.

10 The Moorebank Intermodal Precinct West Stage 3 Project seeks approval for the staged subdivision of the Moorebank Precinct West site into nine allotments, the importation of approximately 280,000 cubic metres of unconsolidated clean fill for compaction up to a final land level and approximately 540,000 cubic metres of
15 structural fill for warehouse pad completion, the establishment and use of a temporary construction work compound area in the southern portion of the MPW site and its associated ancillary works. I note the Department in its assessment report has concluded that the application is approvable subject to conditions.

20 In line with regulations introduced in response to the ongoing COVID-19 pandemic, we have moved this public meeting online with registered speakers provided the opportunity to present to the panel via telephone and video conference. In the interests of openness and transparency, we are live streaming proceedings on the Commission's website. A full transcript of today's meeting will also be published on
25 the Commission's website in the next few days. The Commission was established by the New South Wales Government on 1 March 2018 as a standalone statutory body operating independently of the Department of Planning, Industry and Environment and other agencies.

30 The Commission plays an important role in strengthening transparency and independence in the decision-making process for major development and land use planning in New South Wales. The key functions of the Commission include determining State Significant Development applications, conducting public hearings and public meetings for development applications and other matters, and providing
35 independent expert advice on any other planning and development matter when requested by the Minister for Planning or the Planning Secretary. The Commission is the consent authority for this State Significant Development application due to an objection by Liverpool City Council to the Department during exhibition.

40 It is important to note that the Commission is not involved in the Department's assessment of SSD applications, nor in the preparation of its assessment reports. Commissioners make an annual declaration of interests identifying potential conflicts with their appointed role. For the record, no conflicts of interest have been identified in relation to our determination of this development application. You can find
45 additional information on the way we manage potential conflicts on our website. This public meeting forms one part of the Commission's process. We have also

undertaken a site inspection and met with the Department and the Applicant. Transcripts of all meetings and site inspection notes have been published on the Commission's website.

5 The Commission provided Liverpool City Council with the opportunity to meet and discuss the project however, Council has chosen to not meet with the Commission. After the public meeting we may convene with relevant stakeholders if clarification or additional information is required on matters raised. Following the public meeting, we will endeavour to determine the development application as soon as possible noting that there may be a delay if we find that additional information is needed. Written submissions on this matter will be accepted by the Commission up to 5 pm Monday, the 26th of April 2021. You can make a submission using the Have Your Say portal on the website, or by email, or post.

15 We invite interested individuals and groups to make any submission they consider appropriate during this meeting however, the Commission is particularly assisted by submissions that are responsive to the Department of Planning, Industry and Environment's assessment report and recommended conditions of consent. All submissions made to the Department during exhibition of the Environmental Impact Statement have been made available to the Commission. As such, today's speakers are encouraged to avoid repeating or restating submissions they've previously made on this application. The Commission must emphasise that there are certain matters that by law it is not permitted to take into account when making its determination and therefore, submissions on such matters cannot be considered. These factors include the reputation of the Applicant and any past planning law breaches by the application.

Before we get underway, I would like to outline how today's public meeting will run. We will first hear from the Department of Planning, Industry and Environment on the findings of its whole of Government assessment of the application currently before the commission. We will hear from the Applicant second, and then we will proceed to hear from our registered speakers. While we will endeavour to stick to our published schedule, this will be dependent on registered speakers being ready to present at their allocated time. I will introduce each speaker when it's their turn to present to the panel. Everyone has been advised in advance how long they have to speak. A bell will sound when a speaker has one minute remaining. A second bell will sound when a speaker's time has expired. To ensure everyone receives their fair share of time, I will enforce timekeeping rules. I do reserve the right however to allow additional time as required to hear new information.

40 If you have a copy of your speaking notes or any additional material to support your presentation, it would be appreciated if you would provide a copy to the Commission. Please note that any information given to us may be made public. The Commission's privacy statement governs our approach to managing your information. Our privacy statement is available on our website. Thank you. It is now time to call our first speaker and I would like to invite Erica van den Honert from the Department of Planning, Industry and Environment to present the Department's assessment. Thank you, Erica.

MS E. VAN DEN HONERT: Thank you very much and good morning everyone. Thank you for inviting me today. My name is Erica van den Honert. I'm executive director, infrastructure assessments at the Department of Planning, Industry and Environment and I'm here to outline the Departments' approach to the assessment of the Moorebank Precinct West, or MPW, Stage 3 development application and our recommendation report. A detailed description of the proposal is on the Department's – in the Department's assessment report, so in the interests of time - - -

MS LEESON: Excuse me, Erica, if I can just ask you to pause for a second there. Are you able to put your presentation onto full screen?

MS VAN DEN HONERT: I might have - - -

PROF R. MACKAY AM: Slideshow. She needs to commence - - -

MS VAN DEN HONERT: There we go. Is that better?

PROF MACKAY: She needs to commence slideshow.

MS LEESON: Yes, I think you need to commence slideshow. I'm getting some helpful advice from my fellow Commissioner here on how to manage this technology.

MS VAN DEN HONERT: I have got it – okay, hang on. Is that – is that better?

PROF MACKAY: No.

MS LEESON: No, it's a different view of it.

MS VAN DEN HONERT: Okay. Let me just try and share something else apologies for this. I'll try - - -

MS LEESON: That's all right.

MS VAN DEN HONERT: All right, let's try that one. No, that's the same as the one you just had.

MS LEESON: That's better.

PROF MACKAY: That's it.

MS LEESON: Thank you very much. Thanks, Erica.

MS VAN DEN HONERT: Is that better? Sorry about that. Okay.

MS LEESON: That's all right.

MS VAN DEN HONERT: The proposal, as you know, is for the staged subdivision of the MPW site; the importation of fill, unconsolidated and clean, and; the establishment and use of temporary construction works compound area in the southern portion of the MPW site and associated ancillary works including
5 temporary and permanent access roads, earthworks, fencing, utilities installation/connection, stormwater and drainage infrastructure, signage and landscaping. The proposal is focused on ongoing construction and site preparation works on the MPW site. The only operational components proposed are the subdivision of the site and operation of the permanent perimeter road. Construction
10 and operation of warehousing and distribution facilities for the southern portion of the MPW site would be the subject of a future planning application.

The proposal has been referred to the Commission, as you note, by an objection made by Liverpool City Council during the exhibition of the EIS which took place
15 between the 30th of April and the 27th of May 2020. Overall, there were 40 submissions received during exhibition including 25 public submissions that were all objections, four submissions from special interest groups which were all objections, and 11 submissions from public authorities including one objection from Council. The key issues during the assessment, and that I will focus on my presentation today,
20 are subdivision, importation of fill material, construction noise and out of hours construction works, and construction traffic material.

Next slide – this just gives you a summary of the project and this is the – shows you the compound area and the subdivision. So I would like to start off with the key
25 issue of subdivision of the site. It involves subdividing the existing lot 1, DP 1197707 into nine allotments ranging from 12.28 hectares to 44.82 hectares. The Applicant proposes to divide the site into four main functional areas comprising six lots, which are lots 5 to 10 inclusive to be used for future warehousing and distribution facilities, lot 11 to be used primarily as a biodiversity conservation area
30 inclusive of the development perimeter road and stormwater management functions, lot 12 to be used as an interstate freight terminal, and lot 13 to be used as part of the rail connection.

The six lots for warehousing and distribution facilities would enable long-term
35 leasing of buildings and tenanting of individual warehouses as part of the MPW development. This duration of subleasing is likely to be greater than five years. As shown on the screen, the southern portion of the MPW site which includes parts – lots 7 and lots 8 to 10 are proposed to be temporarily used for hardstand, laydown and materials stockpile areas to support the works compound. This slide is the
40 proposed plan of subdivision which is proposed to take place in a staged manner to allow for individual lots to be subdivided progressively as demand for future warehousing grows.

The approach to subdivision complies with the MPW concept approval including
45 condition E26 and is consistent with the subdivision of the adjacent MPE Stage 2 development where the Commission's consent allows the subdivision of final layout plans to be deferred to first approval. Final layout plans for this proposal are still

pending but can be appropriately resolved through post-approval submissions similar to what is in place for MPE Stage 2. The Department considers that the staged subdivision is acceptable if the Applicant maintains its commitment to providing all relevant estate works before subdivision can occur and we recommended conditions to this effect including the requirement to prepare a subdivision staging plan which must identify each stage of the subdivision and the relevant estate works for each stage and must be approved by the Planning Secretary prior to the issue of the first subdivision certificate.

10 The Applicant submits that all proposed lots contravene the minimum subdivision lot size development standard. Under clause 4.1 of the Liverpool LEP the minimum subdivision lot size is currently 120 hectares, as shown by the lot size map on screen. The Applicant submitted a clause 4.6 variation request to vary the minimum lot size on the site. Their position is that compliance with the lot size is unreasonable, noting that the site is 189.4 hectares and the minimum lot size division is 120 therefore, no subdivision could take place without the variation. The Applicant also asserts compliance with the standard is unnecessary as the tenanting arrangements and the conditions of consent would provide additional security to prevent fragmentation of the site and maintain adequate site maintenance and management.

20 The Department considers a contravention of the minimum lot size to allow the proposed subdivision is acceptable and has recommended conditions of consent to confirm the Applicant's commitment to managing the site holistically, similar to the conditions the Commission imposed in MPE Stage 2. The Department has considered key concerns from Council including safeguarding the holistic management of the site and preventing fragmentation and separation of distinct warehouse groups into individual lots across the site. The Department considers the recommended conditions will cover off on Council's concerns. Like with MPE Stage 2, the legal framework governing the MPW site would support the delivery of required development components and management and maintenance during operation.

35 The Applicant advises that SIMTA and Qube would retain responsibility for all estate works on the site including maintenance of access roads, pedestrian paths, landscaping, lighting of common areas and provision of emergency services including firefighting. The Department has therefore recommended a condition that prior to the issue of any subdivision certificate the Applicant must submit a precinct Operational Environmental Management Plan to the Planning Secretary for approval. Another key aspect to the proposal is the importation of fill material across the site. The Applicant seeks to import approximately 280,000 cubic metres of unconsolidated clean fill for compaction up to the proposed finished surface level of 16.6 metres AHD and approximately 540,000 cubic metres of structural fill for warehouse pad completion.

45 The diagram of the MPW Stage 2 proposal showing indicative fill levels across the overall MPW site is provided for reference. As part of the MPW Stage 2 approval, the Applicant has already been granted approval to import 1,600,000 cubic metres of

fill to raise the site. Under condition 19(B) of the MPW concept plan approval, the total volume of uncompacted fill to be imported can exceed 1,600,000 cubic metres of fill if it can be demonstrated in a future DA that the proposed finished surface level of any filled section of the site does not exceed 16.6 metres AHD.

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Throughout assessment of the proposal, the Department sought further advice from the Applicant to justify the need for additional fill and the Applicant's view is that when compacted, the fill material would have an *in situ* volume approximately 15 to 20 per cent lower than its uncompacted volume leading to a shortfall in the amount of imported fill required to fill the MPW site because of the approval places a limit on the uncompacted fill to address traffic impacts. The Applicant also asserts that the proposed additional 540,000 cubic metres of clean structural fill for warehouse pad completion is required to provide suitable support for the proposed interstate terminal, rail lines, warehouses and distribution facility pad sites and associated external pavements and container movement areas.

The Department has also consulted extensively with the EPA through the assessment of the proposal. The EPA recommended a series of conditions to manage impacts associated with the importation of fill consistent with requirements for MPW Stage 2 including that only virgin excavated material appropriately classified in accordance with the Waste Classification Guidelines be imported to site, that the importation of fill across the work precinct as a whole must not exceed 22,000 cubic metres on any day, which is a precinct wide cap already in place and which we recommended to applies to Stage 3 to

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30 MS VAN DEN HONERT: ...to manage dust, erosion and sediment from the stockpiles. The Department also recommends a series of other detailed conditions based on the MPW Stage 2 consent including the requirement for land disturbance and filling activities to be conducted in a phased manner, such that there's no disturbance to other areas permitted until defined triggers for stabilisation of the previous area have been met and ensuring the whole of precinct cap of fill importation of 22,000 cubic metres. Further, we have recommended prohibiting stockpiling of imported fill material for longer than six months to avoid long-term stockpiling and allowing only one crushing plant to operate at any one time across the whole MPW site to manage dust and noise impacts.

40

Finally, the Department has recommended a condition to prohibit the surface – the finished surface level of any filled section of the site from exceeding 16.6 AHD. Overall, the Department considers that with the implementation of these conditions, impacts associated with the import of fill for MPW stage works can be appropriately managed. I would now like to talk about construction noise and out of hours construction works. The figure on the screen shows the nearest sets of receivers to the site with residents of Casula likely most affected. The Department considers that

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construction noise impacts can be effectively managed through the implementation of a Construction, Noise and Vibration Management Plan as well as the recommended Out of Hours Protocol for out of hours work.

5 The Applicant proposes to conduct material delivery and stockpiling activities outside of standard hours. We consider that these works could be conducted acceptably provided the Applicant provides further justification for why works need to be conducted outside the standard hours and prepares a robust Out of Hours Works Protocol. In doing this, the Department notes that under the existing
10 condition B135 for MPW Stage 2, certain out of hours works are allowed under the Out of Hours Works Protocol including works associated with Moorebank Avenue/ Anzac Road upgrades, delivery of the rail connections and works during rail possession periods. We also note that the Department has extensive experience reviewing out of hours works requests for major infrastructure proposals.

15 The Department consulted the EPA and considered the requirements of the interim construction noise guidelines throughout assessment of the Applicant's proposal for out of hours works. The Department considers that because the importation and placement of fill under this proposal would be deferred until after fill is imported
20 under MPW Stage 2, and the works take place concurrently with other traffic generated construction and operation works, the Applicant may be able to provide further justification that completing these works out of hours would be of benefit to the community from a traffic network operation perspective, for instance.

25 The protocol would need to be approved by the Planning Secretary prior to the commencement of any out of hours works for the proposal and the protocol must provide evidence of how feedback from the Community Consultative Committee has been incorporated to develop the protocol and specify that works are proposed – what works are proposed out of hours, provide details and clear justification for why
30 the works must be done out of hours other than the convenience reason. It must detail an assessment of out of hours works against the relevant noise management levels and vibration criteria, provide detailed mitigating measures for any residual impacts, that is additional and general mitigating measures, including the extent of treatments and include proposed notification and arrangements.

35 And the last – final issue that I would wish to raise today is the matter of construction, noise and access to the site. The traffic assessment for this proposal found that no significant changes to construction traffic modelling previously undertaken as part of MPW Stage 2 are proposed and no changes to work upgrade
40 approved after MPW Stage 2 are sought. The Applicant considered it appropriate to rely on the traffic assessment prepared for the MPW Stage 2 to inform the proposal. The Department considers the construction traffic impacts associated with MPW Stage 3 works can be effectively managed through implementation of a detailed Construction Traffic and Access Management Plan.

45 Consistent with the Department's regulation of industrial developments of similar scale, the Department has recommended the Applicant implement a Driver Code of

Conduct to ensure that drivers use the routes agreed in the CTAMP, or the Construction Traffic and Access Management Plan. I would note that no new traffic modelling was prepared as part of this proposal. Regarding construction access to the site, the Applicant proposes to utilise two access points along Moorebank Avenue. Similar to MPW Stage 2 construction works, the primary construction access would be via the Chatham Avenue/Moorebank Avenue signalised intersection which would facilitate most heavy vehicles, light vehicles and construction equipment accessing the temporary works compound area.

10 An additional construction access point would be provided at the Anzac Road/Moorebank Avenue interchange which would link up to a permanent perimeter road running adjacent to the western boundary of the MPW site. Thank you. That completes my presentation.

15 MS LEESON: Thank you, Erica. We – we do have a speaker lined up, Richard Johnson, but before we move to Richard on behalf of the Applicant, Richard Mackay, do you have any questions of the Department?

20 PROF MACKAY: Yes. Thank you, Chair, and thank you, Erica. I'd like to ask two questions, if I may. Firstly, just in relation to the Out of Hours Work Protocol, I note the advice that there – there needs to be a community benefit. Can I just clarify that the Department's intention is that – that that is the test rather than, if you like, convenience for the Applicant, and invite you to perhaps give an example or two of the kind of activities that might take place that would not be otherwise allowed under existing arrangements, please.

30 MS VAN DEN HONERT: So yes, I would like to confirm that convenience isn't the – the only test for whether they could do out of hours works. Very often the decision on whether works should be done out of hours is because of road safety issues which would be done and determined, whether through the police or the Traffic Management Centre, is – is one of the determining factors and also, as I said, network reliability and use of the network and keeping – making sure that in actual fact, you know, during rush hour traffic and peak traffic work flows and the roads work.

35 PROF MACKAY: Thank you for that. I'd also like to ask, in its representations to the Commission, the Applicant has suggested some greater flexibility inclusion of words like "general" with respect to some of the conditions proposed by the Department. That, for example, is reflected in things like the subdivision pattern. They're suggesting that some minor adjustment to the subdivision pattern may be appropriate, or the location and configuration of the – the construction compound that that might be able to move around the site. Is the Department able to express a view on that request for a greater flexibility in the conditions as drafted, please?

45 MS VAN DEN HONERT: Yes, I would – I would like to take that one on notice, but I will just pass a general statement and that is, subject to approval in the post-approval phase of the project, so if the – generally if we – if there is more flexibility

is that in actual fact that flexibility is approved by the Planning Secretary in the first approval stage of the project, so that it – we are all very clear on what that flexibility is what the end product looks like.

5 PROF MACKAY: Well, thank you. And I think it would be helpful to the Commission to have a more fulsome response on notice, if you wouldn't mind, please.

MS VAN DEN HONERT: Yes.

10 PROF MACKAY: Thank you.

MS VAN DEN HONERT: Absolutely.

15 MS LEESON: Thank you, Erica.

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20 MS LEESON: ...and the structural fill, so effectively forms the finished level, if you like, before the slabs for the warehousing would be poured. It's – I'm not sure it was quite clear to me through that presentation and if you need to take that one on notice as well, that's fine, but if you are able to clarify this morning that would be –
25 that would be much appreciated. Thank you.

MS VAN DEN HONERT: No, I would – I – I would like to – I'll take that one on notice and get back to you with a more fulsome response, as well.

30 MS LEESON: Thanks, Erica. It's – it's that I note in the Department's assessment report it talks about Stage 2 and how that was worded.

MS VAN DEN HONERT: Yes.

35 MS LEESON: And it appears slightly different for Stage 3 and it may just be my interpretation of the wording, but if you could take that on notice and confirm the final finish level of both uncompacted and consolidated would be – would be appreciated. Thank you. One other question I have is around the general crafting of recommended conditions for Stage 3 and you mentioned the Driver Code of
40 Conduct. It seems, on looking at the two sets of conditions, the recommended conditions and the existing ones for Stage 2, that those in the recommended ones for Stage 3 are slightly more generic or broad. Is there a reason that the Department is looking at a more general set of conditions for Stage 3 than 2?

45 MS VAN DEN HONERT: It's more that we update the conditions as projects go, but we will – I'm happy to take that on notice and revisit those two conditions with a view to making sure that they are consistent in terms of outcomes.

MS LEESON: Yes, it seemed to be around the way that Environmental Management Plans are structured in the conditions, seemingly a little more generic or general in Stage 3 than existing for Stage 2.

5 MS VAN DEN HONERT: Thank you. I will take that on notice and get back to you on that one.

MS LEESON: Thanks, Erica. I didn't have any more questions for Erica. Richard?

10 PROF MACKAY: Nothing from me, thank you.

MS LEESON: No. Well, thank you very much, Erica. We appreciate your time this morning. If we can have responses to those perhaps by – in three or four days, that would help us, by the end of this week, because we do have public submissions
15 to close on this early next week. So the sooner you could respond to that, we will put them onto our website. So thank you very much for your time this morning. Thank you, Erica. Bye-bye. I would now like to ask Richard Johnson from Aspect Consulting on behalf of the Applicant to present on behalf of the Applicant. Richard, good morning.

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MR R. JOHNSON: Good morning. Thanks to the commission for inviting us today. I will just share a screen.

MS LEESON: And, Richard, if you are able to put that onto full-screen view.
25 Lovely. Thank you very much.

MR JOHNSON: So there's going to be a fair bit of replication with what Erica has just presented, understandably. Same project. So I just want to quickly cover over the precinct development and the site context, a quick overview of what we've
30 included in the proposal without too much replication, then just have a quick look at the scope of the key elements that form part of the application, and, finally, the need for the proposal. As per the figure presented by Erica, the MPW3 application its within and across the MPW site.

35 The MPW2 site essentially does work across the entire MPW site, so from north to south. It has the entire construction of initial clearing of works, establishment of stabilised land surfaces down to the southern portion of the site, includes installation of mitigation measures like the stormwater basins to the west of the site down to the Georges River, includes drainage, and includes, again, stabilisation of surface areas.
40 Subdivision works – one of the points that was raised by Erica – subdivision works would be undertaken in accordance with the application once approved, and they would be undertaken across the entirety of the site.

45 Those two aspects, subdivision and the subdivision works, represent those activities under this application that will cover the entirety of the site; the remainder of the application is restricted to the southern portion of the site. So just on overview, the subdivision is there to separate the functionality across the site, so between

warehousing and distribution facilities, the terminals, the rail corridor and the conservation allotment. We've identified the establishment of a works compound, and that works compound is there to provide service to both the continuing development of the site beyond MPW2 – Moorebank Precinct West Stage 2 – but
5 also to facilitate the subsequent construction of – ongoing construction of MPW Stage 2, given that progressively as warehouses become constructed on that site, space will become a premium.

10 So to be able to facilitate appropriate storage areas, access to construction materials, equipment and allocation of areas to staff, we've identified the need for the compound to be relocated down to the southern portion of the site. The ancillary works are those associated with access, utility services, fencing and the like, and importation of material as described. Just a close-up view of the MPW3 works. So
15 the compound would be located to the far south of the site, with materials, hardstands, laydown areas located adjacent to both the temporary loop road and then the extension of the permanent access road along the western boundary of the site and in towards the compound. Utilities, the services would be laid down along these routes as well, as would lighting infrastructure.

20 So to break down the key elements, there's four key areas: non-tangible, temporary, permanent and operational. The non-tangible being the subdivision of the site; it's not something you're actually going to see. That would be registered against title. The temporary works are essentially the compound, the temporary loop road and those required for construction, the hardstand and laydown areas. Prior to
25 commencement of works on the site, construction facilities for the southern portion of the site, the compound and hardstand areas would progressively be decommissioned. The permanent works, as we discussed, were the western perimeter ring road extending from the existing MPW Stage 2 site, and installation of those services, utilities, lighting, stormwater that would access the MPW Stage 2
30 drainage outlets to the west. And operational, so the subdivision works would be extended across the entirety of the site and the permanent perimeter road would remain as a permanent operational road.

35 The need for the proposal, progressive subdivision of the MPW site is consistent with the MPW concept plan and has been submitted in accordance with the modified concept approval and a variation under clause 4.6 of the Liverpool LEP. As we've discussed, it separates the key functional areas of the site. So clearly the conservation area, having a specific management regime, is different to the freight terminal and the warehousing management regimes. The subdivision works that are
40 being provided for the entirety of the site help bring those together and make sure that they're managed consistently and cohesively to the benefit of all users on the site.

45 And it obviously facilitates our long-term leasing of buildings and tenants. And the works do include those – the trenching works for the service and utilities. As we did mention previously, the proposed works compound would support the works for MPW Stage 2 as they progressed and space became a premium, and then other MPW

development works subject to future applications for additional warehousing. That pretty much covers the content that I wanted to provide today, and I'm happy to take any questions.

5 MS LEESON: Thank you, Richard. Richard Mackay, do you have any questions?

PROF MACKAY: Yes. Yes, I do. Thank you, Chair. And thank you, Mr Johnson. Look, I would just like to ask a couple of questions are traversing ground that was also covered in our direct and transcribed meeting. Obviously one of the technical
10 non-compliances of the application is the subdivision pattern, which, as you've said in your presentation, is intangible. But in terms of the operations of the site, would you be able to expand a little on how the Operational Environmental Management Plan might work in effect? And particularly, I think the Commission would be interested in the resident interface, so how would matters like operational noise or
15 lighting or other attributes that might affect the amenity of residents, how would that be handled cohesively and holistically should the Commission grant the subdivision.

MR JOHNSON: So consistently with the MPE Stage 2 subdivision approach and the environmental management plan prepared for that part of the development, the
20 MPW2 site would be managed by an estate manager. All tenants and operators onsite have an obligation under the Environmental Planning and Assessment Act to act in compliance with the consent if they're undertaking works subject to that application and consent instrument. It's the role of the estate manager to provide the cohesive reporting, monitoring, checking and collection of data against performance and provide that in accordance with the consent. We publish monitoring reports and
25 data on the website at the moment. So the estate manager largely still carries that responsibility for the day to day operations of the site or the longer-term reporting on the site.

30 PROF MACKAY: So for a resident or a community group that wanted to raise an issue, an environmental issue or a noise issue, would they do so with the estate manager, who would take ownership of that issue? Is that how it would operate in practice?

35 MR JOHNSON: Yes. And if we're able to identify a particular issue down to a tenant, then we can raise that directly with the tenant.

PROF MACKAY: But that would happen through the estate manager. It wouldn't be left to the community to find which tenant was involved.
40

MR JOHNSON: No, that's right. It would go through the estate manager.

PROF MACKAY: Thank you for that. The other matter, which I realise we have discussed before, obviously there's a change requested with the Out of Hours Works
45 Protocol arrangements, and the Commission is conscious that there has been a – you know, a previous – an existing Out of Hours Protocol. Would you be able to summarise, perhaps, in simple terms what would be different if the discretion that's

sought were to be included in a consent should the Commission be of a mind to grant one, please?

5 MR JOHNSON: Yes. At the moment, the draft conditions restrict the import of fill being at the Out of Hours works that we can undertake. What we're looking at is that there's times when we would like to do works that present a better safety outcome for the project. So the establishment of the utilities and services, for example, along the perimeter road, we don't want those works being undertaken concurrently with the construction of the road. So those works may be the type that 10 would be undertaken out of hours to establish utilities and services and the verge of the perimeter over the permanent ring road. And we've undertaken that on the MPE site in an Out of Hours format as well.

15 Similarly, the pouring of concrete hardstands or the establishment of the compound areas could also be undertaken out of hours so that they're, again, not interfering with the peak hour traffic or traffic flows generally. We've had instances on MPE where we've been able to undertake, for example, concrete pours within – in internal built forms and inside the warehouse development and successfully being able to undertake those with negligible noise impact.

20 The Out of Hours Work Protocol, it's probably important to understand, actually creates a series of steps for assessment and consideration of the nature of the noise impact. Once we get beyond an audible impact, there's attended noise monitoring to be undertaken, there's a process for review from the appointed environmental representative, and if it's likely to be a short-term, very high impact, there's 25 engagement with the community, both through the established community consolidative committee and notified on the SIMTA website.

30 PROF MACKAY: All right. So as I'm understanding that, the predominant change is to avoid potential conflicts between the importation of fill, traffic activity and other construction activities onsite on the one hand, and then also to take advantage where undertaking activities at night might have some community benefit by taking place at night. I must say, I'm struggling to understand why concrete pour in the works compound – why night-time would create a community benefit over daytime.

35 MR JOHNSON: It's just the cumulative impact of activity onsite. So if it's – or potentially reducing the program schedule. So it's removing that construction impact from a longer term for the community.

40 PROF MACKAY: All right. And the intention is that each instance would be considered on its merits and require approval of the Planning Secretary.

MR JOHNSON: That's correct.

45 PROF MACKAY: Thank you, Mr Johnson. That's very informative and helpful.

MS LEESON: Any other questions?

PROF MACKAY: I'm done.

MS LEESON: I do have a question, if I might, Richard. It's around the importation of the fill. Can you give us an indication of where the – what the status of
5 Moorebank Precinct East importation of fill is and of the Stage 2 works for Moorebank West so we can get a sense of the context within which this additional fill will be coming in. And I ask that, because I want to draw, then, out a question around the daily limits that you have.

10 MR JOHNSON: Okay. So on Moorebank Precinct East, it's probably best to divide it into the two key components. So the warehouse site itself has substantially all the fill that's required for that site. The remaining fill that's coming in for the purposes of Moorebank Precinct East Stage 2 is largely for the Moorebank Avenue upgrade works and the diversion road. The slightly confusing thing is that footprint sits over
15 the MPW footprint as well, so there is material coming to the MPW site, but it is for the MPE2 activity. I couldn't tell you offhand the status of the import of fill for those two works for MPE, but – yes, I would have to go and take that on notice. For MPW, again, I would have to – for precision I would have to take that on notice. My understanding is that in the order of about 60 per cent of the material has been
20 brought to site, and those works will continue.

MS LEESON: Thank you. If you could answer those, that would be much appreciated. Thank you. The daily limits are 22,000 cubic metres, as you're aware, and we did discuss on our site visit what your daily sort of average fills are, and I
25 think you even indicated the maximum daily volume that you've had at this point. Can you advise what those average daily fill limits are?

MR JOHNSON: Yes. So 22,000 tonne per day for the precinct is the number that's provided in the two consents. From recollection, the number that we provided the
30 other week was we – the most we've had onsite is 10,000 tonnes per day.

MS LEESON: And I think you indicated that the typical load was somewhat less than even that. Is that across Moorebank West and East, do you know, or is it just – is it just the western precinct?
35

MR JOHNSON: It's all coming into West, and then it's divided once it comes over the gate. So again, I would have to provide that breakdown for you separately.

MS LEESON: Thank you. And the reason I ask that is that if the maximum that
40 you've had so far is 10,000, and typically you indicated it was somewhat less than that, I guess my question is why there's a need for 22,000 cubic metres a day. And perhaps that's something that, if you can't answer now, you might also take on notice.

45 MR JOHNSON: I can give an overview for that number. When it came through in the original consents, the Moorebank Precinct East and Moorebank Precinct West developments, their applications were running side by side, and it was at a point

where the two projects would actually be undertaken concurrently, which, assessed by the Department and TFNSW, or RMS at the time, that 22,000 was seen as the cap for import of fill material cumulatively across the precinct, given that they potentially could be operated concurrently. As it has panned out, there has been a lag in
5 MPW2's approval, so we haven't had that full 22,000 impact for the precinct

MS LEESON: Thank you. Thank you. That explains that well. You may have heard me ask Erica from the Department the question around the final finished fill levels. If you didn't, the question was seeking some clarity around whether 16.6
10 metres AHD is the combined total of both the unconsolidated fill and then the structural fill on top, or whether it is just the unconsolidated fill, and then the structural fill comes in above that. Are you able to clarify the 16.6 metres in that regard?

15 MR JOHNSON: I would have to confirm that number as well. We do have a – we've provided some information to the Department for – and the IPC for the MPW Stage 2 application. I think there's a – there was a memo that we prepared that identified how those levels can be read and are labelled so – for the purpose of the development. I can reissue that if that would be of benefit to the Commission.
20

MS LEESON: That would be of benefit. Thank you. I have no further questions. Richard?

25 PROF MACKAY: Yes, if I may. Thank you, Chair. I would just like to ask a supplementary question in relation to the daily tonnage limits. And I appreciate you're going to get back to us having taken the Chair's earlier questions on notice. But if the Commission were of a mind to approve this application, would there be any practical operating issues arise if the daily limit were characterised as something closer to the maximum that has ever taken place on MP – East and West – rather than
30 what seems to be more than double that amount in the limit that's as proposed, please?

MR JOHNSON: Yes, I – as I said, I think I would need to just confirm those numbers, the maximums that we have received, and I think we've provided that back
35 to the Commission formally. But we can do that. I think the only concern off the top of my head that I can see would be that should MPW3 material be coming in at the same time, sometimes there's – well, I mean, the source of fill is – our access to fill is dependent on the availability from sources.

40 There's the potential that a particular source might have a demand that isn't being taken by any other developments, and we may have the capacity. So it does provide some flexibility to support both other projects in taking their material, particularly wet material. We're one of the few sites that can take wet fill from those developments. So while on one hand we may not have got to the 10,000 on any
45 given day at the moment, if MPW3 and MPW2 are operating concurrently to some degree, then there may – that flexibility becomes an enabler for the project to keep going and then continue to support those other projects.

PROF MACKAY: Thank you for that. I think it would certainly assist the Commission if you could come back to us formally with a definite response based on review of the numbers, please.

5 MR JOHNSON: Thank you. Will do.

MS LEESON: Thank you. And if possible, could we – if we could have those responses before the end of this week so that we may post those on the website, given that public submissions close early next week, that would be appreciated.
10 Thank you. Thank you for your time this morning. Thanks very much. Thank you. Our next presenter is John Anderson. I understand John may have had some technical difficulties this morning. If we can call John up, that would be helpful. Can we get – John, are you able to hear us? John Anderson? No, it seems not. If John is having some technical difficulties, we might move to Sharyn Cullis. Sharyn,
15 are you online and able to come on and give your presentation at this point, and we will come back to John Anderson when he has solved his problems?

MS S. CULLIS: Hi there. Can you hear me?

20 MS LEESON: We can hear you, thank you, Sharyn. We can't see you, but we can hear you.

MS CULLIS: Now let me see. Okay. So I can fix that.

25 MS LEESON: We can see you as well now.

MS CULLIS: Okay. Now, the problem is I've just been contacted by your technical support who have said that they don't have access right at the moment to my PowerPoint, which I did send in to you. So would you like to confirm with them
30 that they have it?

MS LEESON: Let me see. Do we have a presentation from Sharyn Cullis? It's – we do have it. It's being sent through, apparently.

35 MS CULLIS: I have just resent it through. So is it possible to open it?

MS LEESON: Perhaps in a few minutes, I think.

MS CULLIS: Okay.

40

MS LEESON: So maybe while we're getting that organised - - -

MS CULLIS: I could also – I could also share my screen, but I would prefer that you actually run it from your end, if that's okay. So how are we going?
45

MS LEESON: Are we able to – I think we're going to bring it up now, thanks, Sharyn.

MS CULLIS: I hope I sent you the right one.

MS LEESON: You will find out in a minute.

5 MS CULLIS: We will know in a minute. So that looks as though it might be right.

MS LEESON: So we do have a presentation on screen now. Is this the one you wanted?

10 MS CULLIS: That's looking like mine. Yes, it is.

MS LEESON: All right then. Thank you, Sharyn. Thank you, Sharyn.

15 MS CULLIS: So could I just ask how do I make that – so you can see and you can see that on some kind of split screen. Do I need to make it larger so I can actually read my own PowerPoint?

20 MS LEESON: No. What we're looking at at the moment, Sharyn, is simply your presentation screen. We're not seeing you. You don't need to do anything else, and we can just work through the presentation as you have it.

MS CULLIS: Okay. All I'm saying is it's only as a very small box on mine. It's not huge. So I can't even read it. But never mind. I can go.

25 MS LEESON: I think that's just so that you can view it. We can see it in full format. Thank you.

30 MS CULLIS: All right, so I will start. So good morning and thanks for this opportunity. Throughout my presentation, I use "we" to indicate a position held by the Georges River – hang on, that's the wrong screen, so it should go back one. Thank you. Just leave it there. I will actually let you know when I wanted it moved on, if that's okay.

35 MS LEESON: Thank you.

MS CULLIS: So good morning and thank you for this opportunity. Can I start my time again, because I'm scared I'm going to run over.

40 MS LEESON: Yes. Most certainly. Take a deep breath and start your time again.

45 MS CULLIS: Thank you. So good morning and thank you for this opportunity. Throughout 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. So slide 2, please. Thank you. There are two parts to my presentation. The first relates context to the set of images I wish to show, and my apologies if you feel you know all of this.

Firstly is the depressing and compounding creep of approvals and modifications. I will give just two examples. The December 2020 amendment that increased the height of Stage 2 warehouses from 21 to 45 metres high. Another disappointment was a modification of MPE2 in January 2021 to eliminate all the landscaping bays in a particular carpark set aside to provide canopy trees for shade and cooling.
5 Secondly, the process keeps changing the rules to assist the development whilst it disqualifies any consideration of compounding risks to local people and their places. The screen has disappeared for me; why is that?

10 MS LEESON: I can still see the screen, thanks, Sharyn.

MS CULLIS: Okay. Well, that's fine. So thirdly, the only point for me being here is to ask for ways to deliver – 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, and I hope I have time to get to those. So slide 3, please. Thank you. Before I get there, here on the left is the master plan for Moorebank West that fooled us. It showed generous perimeter plantings. By 2008 they were gone.
15

20 Most significantly, though, MP West began as a considerably smaller footprint with naturalised ponds, and at least three out of four of them were within the development, not in the riparian conservation zone, which is where they are now. The protected riparian zone was generous and wide originally, and the environmentally sensitive stormwater management had no direct discharges into the Georges River, and that was feasible and desirable. What we actually are now getting is the dreadful righthand side master plan version, which is quite brutal and has removed a lot of the soft green landscape that we thought we were getting initially.
25

30 So slide 4, please. True water-sensitive urban design actually maintains ecosystem services and has multiple benefits. The work 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 benefit is a big fail in that regard. Slide 5, please. So our changing climate will increase the risk of storms and floods. All of the EAs associated with this project ignore the maximum probable flood. This, a flood map for the project on the slide, shows only the inundation associated with a one in a hundred event, shaded in purple. Who knows where a really big flood will go? And clearly no responsible agency cares.
35

40 So slide 6, please. I felt the significance of the PFAS legacy was being trivialised during the field trip that I attended but know there is documented evidence that the problem is significant here for both Stage 2 and Stage 3. There are already health warnings against eating fish caught in the Georges River as a result of PFAS contamination, so there should be zero tolerance for any further contamination. And more about that soon. Slide 7, please. This is Glenfield Farm and the view to its
45

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 Leacock Regional Park.

5 One of the original values in being set aside, set up when it was being gazetted was its fine ridgeline bush views to the east. So the lesson here: it is never too late or 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 just recently been set. Slide 8, please. This photo is from the rail overpass at the southern end of MPW3. So 10 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 two square kilometres of hardscape, glaring roofs by day, also lit totally up all night.

15 Slide 9, please. Temperature inversions, as you can see in the left-hand pic, are common on these western lowlands of the Sydney Basin. Air pollution is traffic without dispersing wind patterns. This is exacerbated by traffic, which is intolerable and about to worsen. This place will become increasingly unliveable to the 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 20 be delivered by these planning processes have broken them.

25 So slide 10, please. 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. With the pressure of time, I will discuss – if you give me the extra time I might need, I will discuss just five of the most significant of those. So maybe you can switch that PowerPoint off now. It's not really necessary. Thank you. Just finish the slideshow. Thanks. Okay.

30 In respect to draft condition A31, the monitoring and site auditing, I've read a supposed independent environmental audit for stage 1 conducted by Wolf Peak and dated August 2019. It was neither independent or rigorous. At that sage, it did not even mention PFAS groundwater contamination, nor discuss the 14 PFAS surface collection ponds, even though it photographed one of them with ducks on it, and 35 that's bioaccumulation, if you like, in process. The only audit tool referred to were interviews with the auditees. So as a result of that, I'm not trusting the process. 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 an independent auditor is the responsibility of the Planning Secretary, it would be 40 ideal if this condition also stipulated the selection of an expert peer reviewer. So with respect to condition B25 regarding PFAS, it's disgracefully inadequate. It states:

45 *Should the Applicant identify a PFAS risk to offsite receptors, they need to contact the EPA and discuss it with the community.*

Really? We all know that there's PFAS present. 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 of 2018. More lately, the ER risk consultant's report of 2020 explicitly laid out a long-term environmental management plan with a model for PFAS management in groundwater – in the groundwater present. I see no documentary indication that the Applicant has accepted its responsibilities for this, and as you've suggested earlier in your questions, there's a loosening of the development – of the development consent conditions rather than a strengthening. So I suspect that less is going to happen in respect to PFAS monitoring. So I recommend this condition be redrafted to make it clear who will own the responsibilities for the long-term management of PFAS in perpetuity. Who will own them?

Condition C39 states the Applicant must ensure the long-term environmental management plan 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 both its adequacy and management implications. By the way, it does locate clearly PFAS hotspots for stage 3 and the management model for groundwater interception in its figures 3 and 4. I recall the Applicant's representative conducting the field trip saying that some groundwater movement from stage 3 would migrate towards Anzac Creek whilst the rest of the plume will move towards the Georges. People catch fish directly out of the Georges, and that is a problem. However, Anzac Creek is a problem, too, as it drains through its highly urbanised catchment of Wattle Grove and Moorebank and then into the Georges, so it's no place for the deposition of PFAS either.

So condition 39 – C39 – sorry – C39 states that the long-term environmental management plan should be for the duration of construction and operation of the development. We assume that means in perpetuity, as legacy impacts of 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 retrofits. 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 already.

Even in minor storm events, the volumes and velocities of pipe discharges creates undermining erosion whirlpools around them leading to their structural breakdown and river damage as well. I haven't supplied photos of that, but I can. I would like to go out and take some up-to-date photos, and I can submit them within a week as additional information. So a condition should be added to ensure the 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. Retrofitting or future repair must not further impinge on the biodiversity of said areas.

Conditions B20 to B22 set an explicit requirement that strategies for noise mitigation be developed with the CCC committee, but nothing else of intense public interest is thus identified. So we urge a redrafting 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. I will finish there because that's probably more than my 10 minutes. And I will send a written submission and additional photos relating to my story. Good luck in your deliberations. I look forward to your determination and hope your statement of reasons addresses these matters. Thank you.

MS LEESON: Thank you, Sharyn. That has been a well-presented case. Thank you very much. We will – sorry, Richard. I beg your pardon.

PROF MACKAY: Thank you, Sharyn. Could I just – taking up the last point that you made that you will forward a written submission to the Commission, it's a matter for you, but could I just invite you – you've made specific reference of conditions A31, C37, C39 and particularly suggested changes to B20 to B22. The Commission would be very happy to receive specific suggestions from you about the wording of amendments to those conditions should you wish to include that in your submission.

MS CULLIS: Thanks very much for that offer. I mean, I'm not an expert in drafting conditions of consent. So I will have some sort of a go, but it won't be probably catching the right kind of language. The other thing that I would say, though, there were other conditions, too, that I had lots of concerns about and also my group has concerns about, but I felt that it wasn't fair to take up too much more time, so that there will be other detail about other conditions as well.

PROF MACKAY: Well, thank you for that. We will obviously turn our mind to the submissions that you make. But it's very helpful even if you're not doing drafting just to say in words what you believe needs to change, please. Thank you.

MS CULLIS: Thank you very much.

MS LEESON: Thank you. Thank you very much. We will now break for a morning tea break. We didn't get John Anderson's technology sorted. So when we come back at 11.30, we will endeavour to start with John Anderson at that point. Thank you. We will take a short break.

ADJOURNED [11.08 am]

RESUMED [11.27 am]

MS LEESON: Good morning again and welcome back. We have as our next speaker John Anderson. John, we haven't been able to sort the video presentation,

but we do have John on audio. So welcome, John. If you'd like to start your presentation.

5 MR J. ANDERSON: Yes. Thank you. My name is John Anderson. I'm president of RAID Moorebank Incorporated, and I have been involved in the Moorebank Intermodal dispute for 13 years, and my experience is that PAC – or now IPC is that basically they have ignored our concerns for a number of years dating back to the first one in 2014. Surely our concerns should be given greater scrutiny, as the traffic noise pollution poses a massive risk to residents and wildlife alike in an area
10 recognised as important in our environmental systems. And as has been referred to, the Holsworthy Army Reserve, which is regarded as Sydney's Kakadu and the lungs of Sydney, which is a 22,000 hectare reserve which is virtually untapped, as it contains many unexploded devices in its land, there's koalas and many plant species are in its I have even gone down to Wattle Grove and photographed a
15 koala down at Wattle Grove after the fire in 2018, and it shows that – it must have been escaping it then because about 4000 hectares was burnt out in that area.

Now, I have lived in the area – Liverpool Council area for 36 years, living 17 years in Moorebank, seven years in Hoxton Park and now 12 years in Wattle Grove. In my
20 work life, I worked 26 years in the Sydney Ports Authority and spent a number of years in Port Botany mainly rendering accounts for shipping companies, and they would provide a ship's manifest detailing the goods in these containers. So I was now, I think we had a sort of an estimate that only about 0.01 per cent of the cargo is for this area. Most of it would have been destined for the Eastern Creek area, which
25 is recognised as the central part of the Sydney sort of basin.

And I think that the matter of empty containers is something that has never discussed properly because I know that a lot of containers might contain a number of consignments, sometimes about 12, 14 or it could be even greater. And so I've been
30 told that the empty containers would be shipped back to Port Botany from Moorebank, but it would depend on where the consignment was assigned to. So the empty containers is something that has got to be addressed. So – but I've never seen any evidence for that to occur. And so I believe that's something that has got to be addressed.

35 The matter discussed in dividing the land into nine different allotments and bringing an enormous amount of on the site I've already is already a huge problem. And air pollution to the area is already an enormous concern, as we have traffic flows similar to the Sydney Harbour Bridge, as all traffic in the southwest comes
40 through Liverpool. And I am of the view there's a big problem in our bad health record, and I believe that we have about the third highest number of residents with disabilities in New South Wales, and we have the highest number of people with diabetes. This is part of the problem. So – and I know we have a five per cent higher mortality rate.

45 So I have travelled extensively on our roads during the last months, and irrespective of the time I have gone on our roads, always witnessed a huge traffic

gridlock, and I have become aware of a number of accidents occurring on a daily basis, which is highlighted on TV and radio. And I live near the M5 Motorway and constantly hear the sound of ambulances, which is a matter of great concern for me. And with the Liverpool Hospital being one of the biggest hospitals it shows – it
5 highlights our health problems. The area is known to virtually double in population over the next 30 years, which will put enormous strain on our infrastructure, but those making these decisions virtually live in pollution-free areas where the sea breezes push the pollution out to the western districts.

10 The matter of Woolworths is a big problem as they have 1000 stores in Australia, and the matter of distributing these stores will be virtually impossible. Now, I just recently – well, I’m aware of an article by Austroads which says that Australia has one of the oldest heavy vehicle population numbers – vehicle numbers in the world because of lax regulations and that. And so, once again, the air pollution is
15 enormous. And I continually go on Facebook and I hear of a number of people with disabilities, and they wonder why they get their disability, and I think air pollution – well, recently, we had a comparison that 3,000,000 people have died in the world due to the COVID virus, but now I’ve read many articles saying that 8,000,000 people in the world die from air pollution, and our governments simply ignore this fact just for
20 their own sort of – to develop projects which virtually are unsustainable.

I have stated to the proponent that if they changed the development to a more sustainable development, they could get 10 times the amount of jobs and more money for the proponent because I believe there’s no chance that they could get their
25 vehicles on our roads. Also, they’re doing a number of sort of road upgrades, and I think that that will be virtually useless, as I’ve seen the traffic on the M5 stop many times. Back in 1990 to 2000, I was a courier with Allied Express. Now, I would never go on the M5 because I knew that there is no guarantee you wouldn’t be stopped at any time, and I’ve seen that – I go over the M5 and the Moorebank
30 Avenue roadway, and a lot of times the traffic lights virtually change instantaneously because they give greater emphasis to the traffic going onto the M5.

So I believe that one of my sort of situations that I’ve been emphasising in recent times is the health and safety of the people in the area are essentially constantly
35 ignored, and I believe as I said, the Liverpool Council area is going to go from about 220,000 to about 350,000 so I believe that the area should be residential area because these heavy vehicles diesel would cause massive problems for the residents and the wildlife alike. And I have always been a strong advocate for the koala, and as I’ve said, I’ve been informed of many, many koalas in the area by the
40 wildlife organisations. So I believe that we’ve got an obligation to do some do that.

Now, I will sort of complete this – I will send this into a written – to the IPC, but as I said, I wholly believe that our concerns have been constantly ignored, and I think
45 that this is something that has got to stop because I think it’s about time the residents of the area get a fair go. And I think we have these Australian but we all get a fair go. And I think that this is what we always believed, that this would happen. So

I will leave it at that at the time, but I will come to you – I will send in a written submission just to sort of – to accompany this. Thanks for your time, and I hope that you do take note of my submission.

5 MS LEESON: Thank you, John. Thank you very much for your time, and we will welcome a formal submission from you before next week. Richard, do you have any – no. We have no questions for you this morning, but thank you, John, and we look forward to your submission next week. Our next - - -

10 MR ANDERSON: Thank you.

MS LEESON: Thank you. Our next presenter is Michael Byrne. Michael, I believe we will have you on video. Good morning. Good morning, Michael.

15 MR M. BYRNE: Yes. Good morning I haven't done any sound tests.

MS LEESON: That's all right.

MR BYRNE: Can you hear me? Yes.

20

MS LEESON: You do sound all right. We will ask you to commence. If there are any sound issues, we will take stock as we go along.

MR BYRNE: Yes. Fine. Okay.

25

MS LEESON: Okay. Thank you, Michael.

MR BYRNE: Okay. Thank you for the opportunity to talk to you. I must say it's a great thing in our modern area where we can meet up via the internet and for
30 ordinary folk to have a say and have an opportunity to have a say on matters and the processes around them. There's two renowned Hollywood scripts. One of them – I won't sing it. It is, "How do you solve a problem like Maria? How do you catch a cloud and pin it down?" And the other one is, "Well, here's another fine mess you've got us into." Now, I'm going to replace Maria with the wordage – with the
35 name of the Moorebank Intermodal. How do we solve problem like the Moorebank Intermodal? And, of course, the fine mess is, quite frankly – and I'm stating this explicitly and I can certainly argue to the point – and the fine mess is essentially the Moorebank Intermodal planning, the fact that it has advanced so far as it has to the
40 point of seeing what we believe, the processes have been perverted.

40

Look, the DPIEs presentation essentially talked to the utility of the development operations. Well, that's fair enough because at the moment it is proceeding. But it also compounded – it was all – the content was much of it which is compounding the issues associated on the site's unsuitability. 10 years ago, we wrote our first
45 submission and said, "No. It can't work." 10 years ago. And we're not – we are not activists from the East Liverpool Progress Association, which has had a long history but a very active history back in the days when it really need to be and we were

much younger, but the point of the matter is there is a difference. Activism simply works to an agenda, and no matter what new information you bring to them, they just stick to the agenda and they are a pain. Campaigning, which is what we do, is essentially you look at the issue, look at the facts, where are the motivations, where's the money, where's the political benefit or otherwise, and you analyse it and work to it, and when you see the pluses amount well over the minuses, well, you say, "Look, well, let's go with it."

Now, it's no great issue to our egos or to our basic philosophies. So we are – we have been campaigning and we've been writing submissions. I think we can make a book of them these days. But our submissions have been essentially placed on the – are focusing on the – been focusing on the site's suitability, and as I understand it – and I'm not a lawyer, but I read the Act, and section 4.15 of the Planning Act says that – is tabbed Evaluation, and it includes the suitability of the land for the development, and item (e) is the public interest. So we have – my submission – I will refer you to the submission we did put in for the actual planning process. In there, I list out five public interest matters, and I list out five site suitability matters. They're there to be challenged, but they stand as fact.

So what we've heard today is, again, just more and more works that need to be done to make the site suitable so that the – that's based upon the fact that to date it just all seems to have been made just – you know, just to make it happen with people working to order, totally reliant upon whatever the latest report was or the approval or the request or the instruction, whatever that might be, without the objective evaluation utilised. So we're just saying, Commissioners, that we've been hard done by. The fact of the matter is, as I understand the Act, section 4.15 should be – or section 4.22 notes that:

The proposal for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged.

So to me that's an iterative exercise. It's not once and for all. It's iterative. And as the facts come to you, Commissioners, I expect you and the public would expect you to look at it. And it is sad. I know there's a court case and there will be no talking on that at the moment. But stage 2, there was no invitation to members of the community, and if we had have been invited to it, we would have pointed out the actual – what the real issues were, and it's all about traffic. It's all about traffic. It's all about the public moneys going into the site that we're looking at today.

You know, I've done a figure. There's about \$1.5 billion of costs gone to it to reduce the dustbowl that we looked at last week. 1.5 billion. That includes loans and it includes foregone revenues and actual direct costs and running government Departments to deliver it. And I won't go into it now, but the actual delivery of that by the so-called government Departments and political parties since 2007 stands for true investigation and analysis. But the point is the evaluation has never been done

properly, and it has been – and that’s the problem. But it has been pushed along the line.

5 So we’re just simply ask you, Commissioners, to look with full objectivity. Where there are holes, look, I would like to – I don’t know whether you have the power to do this, to send it back to the Minister and say, “Minister, no. This has just gone too far.” We will know much more, of course, once the court case has aired, but it’s in that case there where much of the matters we’ve been writing about for the last 10 years is being challenged. So thank you for the opportunity, and I will close it on
10 that point.

MS LEESON: Thank you, Michael. We appreciate your presentation. Any – no questions? Did I understand the submission you’ve already made is the submission that you want us to have? Like, you won’t be making an additional submission or
15 you will?

MR BYRNE: Well, I wasn’t – there’s an additional – what’s the basis of the additional one from - - -

20 MS LEESON: It’s - - -

MR BYRNE:

MS LEESON: No. So, Michael, I was just clarifying whether you said your
25 original submission is what you would have us consider.

MR BYRNE: Yes. The original one that went in - - -

30 MS LEESON: Okay.

MR BYRNE: - - - on the planning decision. That’s right. Yes.

MS LEESON: All right. No. Thank you very much. That makes it nice and clear.

35 MR BYRNE: Okay.

MS LEESON: Thanks again for your time this morning. Our next presenter is Narelle van den Bos, and I think Narelle is accompanied by Paul van den Bos, who will speak consecutively over the next half hour. So good morning, Narelle, and
40 welcome, and we invite you to start your presentation.

MS N. VAN DEN BOS: We’re just getting our screen sorted here with the PowerPoint on it.

45 MS LEESON: We can see you. We can’t see your screen.

MS VAN DEN BOS: Not yet. It’s coming.

MS LEESON: We can now. Are you able to put that onto full screen?

MS VAN DEN BOS: Is it not on full screen? There we go. Okay.

5 MS LEESON: Thank you very much. That's fine. Thank you.

MS VAN DEN BOS: Okay. Good morning, commissioners. I will say in advance that I'm going to speak quite quickly because we need to get through this in 15 minutes. I'm Narelle van den Bos. Our company works in the land use transport
10 interaction field. We colleagues in the ACT, New South Wales and Queensland have recognised our skills and placed us on their State Government panels. I'm presenting the overall current and future predicted traffic congestion, while Paul will be looking at more specific traffic problems and the unsatisfactory solutions that have been raised in the SIMTA EIS and now 10 years later still haven't been addressed.
15 Mainly, this relates to the traffic models. We've already there are issues. They have issues themselves, and we've never seen a model that actually works.

Current congested traffic position recognised by SIMTA modelling. Let's first of all look at the situation where Moorebank Intermodal and recognise that it's on an
20 island. So whenever you want to get into this island or out of this island, you need to cross a bridge. The yellow – the red stars indicate bridges. Just from my own experience travelling to work in the morning, I'm often congested back to the Chipping Norton roundabout. In the afternoon, the traffic is often congested back to Cabramatta Road. And that's just my personal experience. But let's have a look at
25 what Moorebank Intermodal is wanting to do. They say that no work is required until 2029, 2030 when they will fix the Moorebank Avenue upgrade. That's in their detailed business case. And no other road infrastructure was deemed necessary when they first passed this intermodal.

30 Let's just look at a bit of a literature review we've done. AAMI insurance company says this is the worst accident spot in Sydney. Liverpool Council has said these intersections all need updating. The Transport for New South Wales says that by 2026, these roads here will appear congested, peak hour congestion all through the day. Now, just looking again, the intermodals here – so these roads are extremely
35 relevant to the intermodal. In order to get out, they have to cross bridges, they have to travel on these roads. The Transport for New South Wales, the M5 bridge needs to be widened for 2016. That hasn't actually been widened. The M5 widening identified issues, again, at these intersections. The circles that are coming up are intersections that have been earmarked for upgrades.

40 The SIMTA. Now, this is where SIMTA comes in. In their EIS, they said that these intersections had a level of service F, which with transport modelling is the worst you can get. That means that you're starting to get quite long delays. And remembering that this is before you put the SIMTA traffic on. Before the intermodal
45 traffic goes on, these issues are already being recognised. 27 per cent of SIMTA traffic must flow at the Hume Highway, so they say. This is the Hume Highway here. And 18 per cent of traffic needs to go along Moorebank Avenue, and that

needs to come out along here or up here. So recognised also by SIMTA is that there has got to be access to the M5, which was not costed. Obviously, the intermodal must have their traffic coming onto the M5, and this is a major, major cost. And still unsatisfactory solutions to that now.

5

This is a pinch point here. Bankstown Council has this – the Meccano Set here needs to be upgraded. The intersection with Henry Lawson Drive here also needs to be upgraded. And this looks to be a fairly major turn that would take place in order to get the trucks up north out of the intermodal. Originally, they weren't going to upgrade this culvert here in Georges River, but they're saying now they will. It obviously has to be one of the major ways of getting traffic out, but you've got this funny little loop here that's pretty difficult for B-triples and B-doubles. And whenever you're improving bridges, it's very costly.

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Governments do not like have to spend this sort of money. And we want to see this money earmarked and spent before any further development goes on at the intermodal. It should never got as far as it is, and it should never have had such huge amounts of TEUs accepted. Here, MICL is saying that there's a new bridge that now needs to take place over here. They've said a new rail overpass needs to go here.

20

And what is this? A bypass for Liverpool CBD? Wouldn't that be wonderful? But I cannot begin to imagine how much that would cost. And let's see this. Let's see the costing. Let's see this all on the ground. Let's see it all done before we approve anything else that's going to create more traffic.

25

So SIMTA and MICL – oh dear – I don't know what happened here – studies have shown that there are major traffic problems in the area. So Moorebank Intermodal is in a bad place, the intermodal. So let's just have a quick look. Twice the population of Brisbane, about 2,000,000 people here, and the freight is – obviously two times the freight of Brisbane is going to be required in this area. Now, to Eastern Creek and Badgerys Creek are the two intermodals that have been earmarked to service the new population in the area, and the possible routes to this would be through Port Newcastle, Port Botany or Port Kembla down here. Interestingly that it used to be 40 per cent of traffic – freight was meant to be going by rail, but now they've cut that back to 28 per cent, which is 72 per cent have to be carried by truck. Well, they're certainly going the right way about making more trucks carry our freight rather than by rail, and they're doing silly things.

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So these piles indicate the – or the columns indicate the amount of freight that's in each of these areas that goes from Port Botany. So the trucks come from here directly to – as directly as they can to these freight needing areas or freight using areas. Wetherill Park takes 45 per cent of Port Botany's market. Now, if you have a look, Moorebank is here, and there's no freight here at the moment, and there's a very good reason for that because we're actually on an island here and it's not feasible to put freight producing, truck producing traffic on an island, but that doesn't – that hasn't stopped the government. They just do what they like.

45

So here they've decided, "Let's make a rail line that goes to here, and now we will service these places that need freight," remembering that the growth is out here, and so you're better to have the two new intermodals that are meant to be out here to serve this. Why on earth they've put it in Moorebank in the first place is beyond
5 imagination. I truly don't know, except for the fact if the trucks come here, they have to get up here somehow and they're forced on the toll roads, and so the toll road companies will make money from that.

But if you have a look, if you have a truck here and it needs to get to here, okay.
10 Good. It's a certain distance. Or if you have a truck here and it needs to get here, three inches, say – three inches here or whatever, the same distance. Why would anybody in their right mind – why would any trucking company decide that, "Yes. I will pay all the costs to put the trucks on a train – we will put the freight on a train. Let's go along here. Now I will pay all the extra costs to take the trucks from here
15 up the tollway and back over to where we were here or here even." It's much better from their point of view to go straight, and that's actually what has been shown. If you look at the Enfield Intermodal, it's less than 20 per cent of its capacity eight years later. What has gone wrong? The short rail trip issue. It doesn't work. And so the recommendation from Infrastructure New South Wales that's:

20 *...public funding for additional intermodal terminal capacity in Sydney be minimised until there is greater clarity on whether the short-haul rail freight market is viable.*

25 And especially when you're looking at warehousing. Moorebank Intermodal takes on Port Botany's traffic congestion as well. So what happens – we've got all this traffic congestion before we put an intermodal, and then if you look at what's happening in terms of traffic, the green means less traffic, the red means more traffic. So when Moorebank Intermodal is put into place, they're all very happy at Port
30 Botany because we've now moved all the traffic to Moorebank. So on top of what we already have, we're expected to take this Moorebank traffic as well.

And in their advertising, they said 3300 trucks are going to come off the road in order to get to Moorebank. That is absolutely not true. If you look at the model, the
35 number of trucks that were coming to Moorebank was minimal. So there was minimal traffic from any type of freight and, as I said, because we're on an island and it's the dumbest thing out to put more traffic there, so – because you can see if there was 3300 trucks coming off the road, this line should be this wide coming to Moorebank, and it's not. So this extra traffic has to go on to this congested mess that
40 already exists. Okay. So when – well, they were wanting 2 million to use. They eventually accepted a quarter of a million. Yes. Okay. But we knew that that was just a slippery slope. And then they accepted more and more, and now they're wanting to put warehousing traffic onto it as well.

45 So the intermodal increase in the future warehousing congests traffic even further. Originally, warehousing was limited, allowing the initial proposal to be accepted, because warehousing adds an extreme amount of traffic because of destuffing that

goes on. And we're told that there's 1250 acres of potential warehousing land around. So if you look, our intermodal is down here. All of these red stars indicate places where warehousing could actually be happening. And, remember, every time you go out of Moorebank Intermodal, you've got to go over a bridge and you've got to come back to the bridge, so the trucks have to come here, go back.

So warehousing is a major issue when it comes to traffic, and you cannot – we cannot have warehousing. Originally, they were indicating that trucks would unload here and would immediately be – not destuff. Destuffing – one freight container might have to have 20 trucks, so then you would have to have 20 extra trucks coming here to destuff a container and take all of Woolies' or whatever stuff all over Sydney. But this – Moorebank is not the right place for that. The right place for that is out at Badgerys Creek or at Wetherill Park, where there's specific, purpose-built roads for that.

But here, in the congested area that we already have, the worst – the absolute worst – thing we could do for Liverpool would be to put in warehousing. Warehousing takes jobs. It does not – it gives us very limited jobs, and it produces trucks. It produces traffic. So the two worst things we could do to Liverpool are to do exactly what this proposal is wanting us to do: wanting to, "Let's do a bit of warehousing right on the spot there. Let's produce maybe 10, 15 trucks – who knows – from one – into one TEU."

Now, the original proposal did not have that, and it very specifically said – we took a lot of notice of that, because warehousing was a big issue with traffic, and traffic – it absolutely multiplies traffic a huge amount. So what happens is you get all the traffic backwards and forwards, as well as the induced traffic from plumbers, electricians, carpenters, logistics, managers, support, employees. All of this traffic is going from warehouse to warehouse and around, so it's a huge traffic generator that needs to be taken care of. So not only do we have this congestion in Liverpool; we're going to put this warehousing traffic, which wasn't in the initial – in the initial one, it was going to come to Moorebank and go straight to Brisbane, go straight to Perth, go straight to Melbourne, not warehousing. So – and, as well as that, we're putting Port Botany's traffic or trucks, freight onto that.

So you can just – you can see the stupidity of that. I have been – given almost 40 presentations to politicians, councillors, businesspeople and media, and all three PAC, and now the IPC meetings, because I know this development will make our already congested traffic even – perhaps will come to a standstill. The proponents themselves have modelled and shown that the transport infrastructure cannot cope with the expected traffic. 500,000 to half a million dollars has already been spent on modelling. "We do not have access to it. Just trust us." What is there to hide? This implies that there's something going on here, that the original EIS wasn't correct.

Late last year, the most senior person in the New South Wales Government advised me that they are building a brand new model that will be available in August this year. "We can look at that and be convinced that the traffic will work." What is

this? The decisions have already been made. How can it be that we will see the modelling in the future? The decisions were made on that original modelling, and we're going to see it in the future. We need to see this before, especially warehousing goes on – before any more TEUs are accepted in Moorebank.

5

How is it that further increases to the TEU capacity of the intermodal have been approved, when any of the modelling we have access to is – it simply does not work? Wait until we see the new modelling that shows the improvements will work before we go on any further. Why should anything be approved if it's not based – if it's based on old modelling that indicates congestion? The New South Wales - - -

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MS LEESON: Narelle, if I can interrupt for a moment - - -

MS VAN DEN BOS: Thank you. You can read the rest of it yourself

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MS LEESON: I was going to ask how much more there was to get through, but - - -

MS VAN DEN BOS: That's it. That's the last one.

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MS LEESON: Okay.

MS VAN DEN BOS: Yes. Very important to read some of the issues that you have misinterpretations – so thank you. Thank you for that. I just wish I had more time, but thank you.

25

MS LEESON: That's all right. If you can make those slides available to the Commission staff, we'll make sure that we do look at it. So thank you for your presentation. And if I can now ask – unless you have any questions? No. I'll now ask Paul van den Bos to deliver his presentation. Good morning, Paul.

30

MR P. VAN DEN BOS: Good morning.

MS LEESON: Good afternoon. I'm sorry.

35

MR VAN DEN BOS: Thank you for the opportunity to share my PowerPoint. I'll just see if I can find this, share the screen. Okay. My name is Paul van den Bos. I'll cover some of the technical aspects concerned here that I'd like to illustrate to you, what is publicly available about the traffic modelling, but before I do that, I need to explain some basic principles so that we can actually understand the explanation I'm going to give.

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This image shows the relationship between traffic and delay. So on the Y-axis we have the average delay of getting through the system, and on the X-axis we have the traffic in the system. Capacity is set at 1, and so traffic is expressed as a portion of this capacity. Now, if you're the only person in the system, the delay is scaled to 1. Now delays can be expressed as a factor of that the relationship starts very gentle,

45

and ends up almost vertical. We can see three curves. There's actually a fourth one hiding amongst the axes.

5 Now, in elementary game theory, there are two components. There's an arrival rate. Here we have a random arrival rate, as in the supermarkets. And we have a random service rate. Now, this round curve shows the relationship for random arrivals and random service. As the traffic increases, the delays go up. Okay? It's not linear. Now imagine a factory. We've got constant arrivals, constant service rate, and this is represented by the green line. Now imagine if there's 99 – imagine that the factory
10 can handle 100 units. If 99 or 100 units are being processed, the machine works very well. There's no delay, no queue. However, if we force 101, 102 units through the system, imagine what the factory floor looks like tomorrow morning.

15 Now, let's apply this knowledge to traffic engineering. This is in the simplified explanation. The server is the traffic light. It has a constant service rate. For simplicity, your green time is my red time. You get served, and I wait. The more green time that's given to you, the longer the red time will be for me. Eventually, your site will have to wait when my site gets served average delay time. Now, for a random arrival and a constant service rate, we have to use this blue curve.
20 Now, when traffic lights are close together, the traffic arrives in platoons, that is, a constant arrival rate.

Now we have to look at the green curve, the same as the factory. You know the system is at capacity when the lights turn green and you cannot move because you're
25 stuck in traffic. You just wait. The queues get longer. The side streets get blocked. You have heard of gridlock. Now, this is a theoretical explanation, but in practice, unless we do some modelling, we don't know where it is. Now, I strongly suspect that PAC heard this message in my five-minute speech. PAC imposed limits on the SIMTA developments to ensure that the road network could actually cope with the
30 traffic.

Now, the implementation is a bit difficult, because the proponents have made it clear that Moorebank is not going to work. Nothing is publicly available that say anything
35 different. This table is a summary from the SIMTA base model. See the references below. Let's concentrate on the 757 vehicles that could not enter the base here because the network was congested. After you add future background traffic plus intermodal traffic to this congested base network, what the modellers really did is found in the EIS and commented on by their auditors.

40 How much faith in SIMTAs modelling work? If you read the auditors' report, very little. In the main text, same years – see references at the bottom – any further increase on demand from both future background and SIMTA traffic at these intersections should be thoroughly – investigated thoroughly. They themselves could not do it. Now, 11 years later, that should be investigated thoroughly – has still not
45 yet been done. Why not?

This table summarises the movement statistics for intersections. The bottom shows the green movements and the red movements that have to wait that I mentioned earlier. This particular one is for Reilly Street on the Hume Highway. You can see this on the map. It comes from the MICL EIS. It's from AMP 2030, when
5 Moorebank is fully operational. This yellow line represents a northbound queue. It blocks the M5 intersection.

This other table is for the Hume Highway/M5 intersection. The white line represents the northbound queue. Note this queue blocks two signalised intersections. These
10 two intersections are outside the scope of the study and not further analysed. Note that the queue lengths are longer than the distance between the intersections. This queue back – spilling back onto the bridge would block the traffic there. This is solved by building the proposed westbound bridge. That queue will be now on the new bridge, but nothing else changes on this intersection.

15 The distance between these two intersections is about 450 metres. When we look at the traffic numbers flowing out of the M5 intersection into Reilly Street, we note that 2199 vehicles are missing. We can do some quick calculations. Going northbound from the Hume Highway, where I can turn from the M5, we can add these numbers
20 together, we can look at what numbers there are arriving, and we can do the quick calculations on our mobile phone.

And so let's use 2200. So 2200 is equivalent to one and a half lanes full of traffic. Imagine adding a traffic volume to an intersection. It would add a lot more green
25 time. Obviously, the other side would have a lot more red time, resulting in long delays and queues at those approaches. Remember I mentioned that delays in queue length curves. If the delays were averaged on all approaches, the queue length on the Hume Highway would grow. The queue already overlaps the M5 intersection. It would now be much longer.

30 Now, this Hume Highway/M5 intersection is the second most critical intersection for the Moorebank traffic network. Now, if this was the only issue, it might have been a single incident. Unfortunately, that is not the case. Let me cover the right-hand turn-off. What PAC3 dealt with this issue – people realised that we should solve the M5
35 bridge issue by turning traffic the other way.

This is a Google map. It has a lot of information. The grey and white spots are the roofs of factories and warehouses, likely destinations for freight. Nearly half of Port Botany's freight end up here, broadly known as Wetherill Park. The area is
40 Moorebank. I've drawn a yellow line from Moorebank to Wetherill Park and some of the other destinations. These percentages are extrapolated from the MICL EIS. This extreme traffic points to the highest traffic incidence spot in Sydney.

45 So the idea was that instead of turning left, they're going to turn right, and then over the short route through the residential areas, or this longer route over the M5 and and the idea was to transfer some of those trips across. Now, making trucks travel

through residential areas is not something that most traffic engineers would support. Just the same, let's look at the practicalities.

5 This intersection movement is for Moorebank Avenue to access the industrial park. This is for 2030. There's no Moorebank AMP, and so this is the location of that intersection. First, notice there is a number highlighted in yellow. This is done by the software to notify the users that not all traffic that want to get through the intersection can get through. In this case, the demand is 760 and the arrival is 612. Remember the system capacity. In this case, the software removed about 150 people
10 so that the calculations can continue. Therefore, it highlighted that number.

15 Now, I've plotted the 1.1-kilometre queue on the Google map. It goes over the M5 intersection and almost reaches Anzac Road. This is not a case where the queue lane is longer than the distance between intersections. Now look at the Moorebank/M5 intersection, the most critical intersection for the largest intermodal in the southern hemisphere. Now, do you believe that in 10 years time, with that queue blocking that intersection, Moorebank Avenue will work better than it does today? How is that possible? It's not very easy.

20 So this is the intersection. This is the level of service. Remember, the level of service is A. It's like advertisements – the only car on the road. This is level of service B. Extremely good performance. In the intersection software there is a switch. Treat every intersection as an isolated intersection, that is, calculate it as if it's the only intersection in the universe, or flip the switch and connect all the
25 intersections and process it as a network. In the EIS, each intersection was processed as an isolated intersection, and that explains the queue length longer than the distance between intersections.

30 The bigger question is why did the brightest and most experienced modellers in the land not use the network processing capabilities? Thus, for the most critical intersection, the blocking queue has been in the second most critical intersection, the M5/Hume Highway intersection, about 2200 vehicles have been manually removed from the calculations. All this work was audited by the brightest people in the land. Why did they do it?

35 Imagine if you were the modeller. Now you have to report to your manager that, from a traffic point of view, the largest intermodal terminal in the southern hemisphere is not going to work. How popular would you be? I very strongly suspect that the modellers were asked to fix it up. After all, this is a state-significant
40 project. Ignore the science. Ignore the budget. Just go ahead. So for this project we're going to divide the land for future warehousing.

45 Now, if you, like most traffic engineers, think that when you have more warehousing, that's going to generate more traffic, I'd like to share this next piece of fundamental traffic engineering knowledge. This image comes from Austroads Guides, Traffic Management Part 2: Traffic Theory Concepts. Note that none of the

graphs are linear. You have a three per cent increase in traffic now, let's look at this top left-hand corner, the speed/volume relationship.

5 I'd like to take you through this very slowly. On the X-axis, we have the speed – on the Y-axis, we have the speed. On the X-axis, we have the traffic volumes. Imagine you're on a 100-kilometre road. When you're the only car on the road, you drive at 100 kilometres an hour. When you add traffic, you move along the X-axis, when you add more traffic, until you get to the capacity. You keep adding traffic. What happens is we have to use this dotted line.

10 Now, what the problem is that traffic engineers assume that when we have if you look at the blue line be on the green line, and you can add more traffic, but because we have the SIMTA survey that said it's 50 to 60 kilometres an hour, we are actually on the dotted line, and so when we add traffic, the volume through the system decreases and the speed decreases, and so we have to be extremely careful for Moorebank when we do traffic we have seen SIMTA couldn't model it. MICL we did our own modelling, and trust me when I say the New South Wales Government needs a far greater, more ambitious network improvement program thank you.

20 MS LEESON: Thank you, Paul. Is that the conclusion of your presentation?

MR VAN DEN BOS: Not quite, but I'll send the rest in.

25 MS LEESON: Thank you very much. As we've indicated already, if you could send that in in the next day or two, we'll have that posted on our website for anybody who would like to have a look at that. Richard, do you have a question for Paul?

30 PROF MACKAY: Yes, I do. Thank you, Chair. Paul, could I just clarify. The thrust of your presentation, as I understand it, relates to how this intermodal terminal would operate, rather than the construction traffic. Is that correct?

35 MR VAN DEN BOS: Yes. What I'm trying to allude to is that when the original concept was produced, the proponents indicated very clearly it cannot work. We have seen nothing else that does work. The material that I've seen for this particular development – they – and I'll just share this, if I may. In my submission to the Department of Planning, I said, "Look at this most critical intersection on Moorebank Avenue/M5. It has traffic volumes that were less than were surveyed 10 years ago. Can you please explain

40 PROF MACKAY: Thank you. That's very helpful.

45 MS LEESON: Thank you very much. Thank you. We'll now move to our final speaker, Erik Rakowski. Erik, are you available? Thank you. We can see you. Do you have a presentation to put on screen?

MR E. RAKOWSKI: I do. I will. Yes, I do. But I thought I'd first say good afternoon to yourself, Dianne and Robert, and Bradley, if you're there somewhere. So I will quickly share my screen, and I will get into this as quickly as possible.

5 MS LEESON: Thank you.

MR RAKOWSKI: Is everyone seeing that okay?

MS LEESON: We can see that fine. Thank you very much.

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MR RAKOWSKI: Okay. I apologise. I will be reading from my notes and probably going quite quickly to fit into the time allotted, so I will just get to it, if that's okay.

15 MS LEESON: Please.

MR RAKOWSKI: Hello. My name is Erik Rakowski. I am presently the vice-president of RAID Moorebank Incorporated, a community-based volunteer organisation that I helped to co-found in 2014, after noticing many of the same residents attending consultation sessions and public meetings undertaken by the then Planning and Assessment Commission.

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Super brief background. I am 37 years old. I've lived all of these years in south-west Sydney. The last 22 years plus have been here in Wattle Grove. Like many of the founding and/or continuing members of RAID, I have work experience in the direct or adjacent economic sector. At least five years of this experience was spent as an owner-driver, giving me and some of the members of the RAID more direct knowledge and experience with this sector and project than any of the commissioners, Applicants and consultants. After serious workplace injuries, a five-year battle in the Workers' Compensation Commission, and the ultimate discovery and determination of employment contract, I was left penniless and had to retrain without any support I was supposed to receive.

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I returned to tertiary education and courses I had started and undertaken immediately after high school. I now have qualifications in fashion design, graphic design, photography and screen and media. These two particular episodes in my life, 2008 to 2013 and 2013 to 2018, directly overlap, first, learning about the prospect of an intermodal at Moorebank and engaging with it and opposing it as an individual, and, second, leveraging our community's experience, understanding and opposition to two parallel and now dual IMTs at Moorebank.

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Doubtless, you, the Commissioners and observers, have heard from five passionate, intellectual and informed residents and/or experts, both on broad-base issues and on specific technical faults, these being just a snippet of the professional retired residents in our region who have consistently opposed all stages of the project, but who cannot take time off or time out during business hours to attend site visits or

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public meetings, though I will note your predecessor PAC did offer after-hours options.

5 More recently, I've been trying and failing three semesters of my uni degree in communications and creative intelligence innovation, because, as RAIDs formal representative for a class 1 appeal in the Land and Environment Court of New South Wales, I have lived and breathed these issues almost 24/7 for the last 15 months. This, in combination with 13 years of individual and collegial engagement with the dual IMTs, and the five years previous working in the transport industry, I can say
10 with all confidence that I am a subject matter expert.

Here you will see some physical and some historical context. In the red circle at the top right is the approximate location of my residence and that of John Anderson, RAIDs president. Other indications are approximate locations of other continuing
15 members. As you might expect, after a decade plus of this project hanging over our heads, many have moved away or given up, beaten down by false narratives utilised to push these projects. Just this past week, I spoke to the third member and supporter who has had to step back after surgery for some form of cancer.

20 As the proponents and governments are prone and proud to say, the dual Moorebank intermodals, which are the size of Sydney CBD, represents the largest intermodal container terminal in Australia. Critically, however, it is our firm position that it is the wrong position in the wrong location at the wrong time, and it will and is in the process of copying and pasting all of the problems of Port Botany onto our doorstep,
25 into the most congested nexus of south-west Sydney, and the kicker – this undertaking will not help Port Botany, not one bit. There will be no real-world reduction in trucks or congestion at Port Botany.

How do we know that? We simply read the detailed technical assessments, assumptions and models produced for the Federal Government by Deloitte and
30 Parsons Brinckerhoff. Now, worse than no reduction at Port Botany is no mode shift at Moorebank. In 2014, Deloitte and Parsons Brinckerhoff reports indicate that there would be only 292 truck movements, or 148 return trips, from Port Botany to Moorebank by 2018. That's only one-tenth of the government's and proponent's
35 claim of removing 3000 trucks.

Accordingly, 64 per cent of the 9 to 11 billion in claimed economic benefit vanishes into thin air, as does the assumed savings associated with reduced road infrastructure maintenance, accidents and injury. Furthermore, VKT and VHT grow exponentially,
40 as does air pollution and greenhouse gas outputs, because Moorebank is not the first vendor market for containers. These facts alone infer and resolve that the cost-benefit ratio for the proposal is defunct, as is this classification of a priority project or priority initiative by Infrastructure Australia.

45 Conversely, unlike Moorebank, New South Wales literature, like the BITRE, identifies Eastern Creek as demanding 30 per cent of Port Botany's containers by

2030. The later report on the Broader Western Sydney Employment Area echoes this, stating:

5 *Approximately 50 per cent of imported containers are destined for areas in Sydney's Central West, industrial west and Blacktown.*

10 Within that document, there are clear plans for Eastern Creek and Badgerys Creek IMTs. The dual Moorebank IMTs will therefore preclude containers from being railed direct to market, instead forcing them to be double-handled on rail and the road network, thereby creating untenable use demand for traffic in an over-capacity nexus right here. Important fact, it is the 15 to 20 year delay on the duplication of the Port Botany rail line and an abrogation of developing Newcastle and Port Kembla that has resulted in every Sydney IMT actually inducing more truck and road congestion than it alleviates. Moorebank is clearly modelled to do the same thing, but, hey, don't take our word for it. Again, Deloitte's report, which shows approximately 80 per cent of the freight double handled via Moorebank is destined for Wetherill Park, Eastern Creek and Western Park region.

20 Shifting to a more like-for-like comparison, SIMTA or Qube, the current Applicant of all stages, including this one, identified the IMT catchment areas in its 2012 environmental assessment, whereby it shows the Eastern Creek Intermodal and develops whatever market not served by Enfield, Yennora and Minto. Further, it assumes Eastern Creek Intermodal is built and operational by 2025. As such, Moorebank – as such, the Moorebank and Eastern Creek narrative is a hollow one, and the Moorebank project should have been abandoned for the Eastern Creek project long ago. Not doing so has no doubt generated significant opportunity cost and possibly wasted decades. It is little wonder that the ARTC echoes the call for Eastern Creek and Badgerys Creek IMTs and states that they are “a matter of priority in its 2015 Sydney Metro strategy”.

30 We have individually and as a group spent every assessment, submission, objection letter, email, phone call and meeting of the past 11 years making this case, which I've only briefly glossed over here. The burden on our community is obvious and immense. It is not hyperbolic to say that keeping up with every application and iteration is near enough to a full-time job, but to quote a corny movie line I heard this week, “there is nothing stronger than a heart – than the heart of a volunteer”, which you will have witnessed today, and can see expressed in this list. The list only covers up to early 2017 when RAID Moorebank undertook its first class 1 merits appeal. Among other things, said repeal – appeal achieved more stringent operational conditions and mitigation triggers which the Applicant has sought to discard and circumvent with its recent modification application for MPW Stage 2.

45 Most every other application, or exhibition and instrument that is fundamentally relevant to this current assessment is listed in and relied upon in the statement of facts and contentions for the current class 1 appeal. The Commission should be aware that the principal hearing for this case will be conducted June 21st to June 28th this year, during which RAID Moorebank Incorporated will be seeking complete

5 revocation of SSD 7099 or MPW Stage 2 and MPW Stage 2 MOD 1. We are directly appealing this decision of this particular body as the consent authority and specifically the Chair of this Commission who was the Chair of the previous determining Commission. I have supplied – I will supply to you a maximum amount of material that I am permitted to as per this list, the amended statement of facts and contentions, as filed on the 15th of April 2021.

10 Unfortunately, the individual traffic expert report cannot be supplied to you at this time. Individual air quality expert report, as filed 1st of April. Expert noise report is in train and can be provided at a later date. The visual impact assessments and analysis is at 185 pages and counting. Some of the visuals will be included here in this presentation if there is time. With regard to the expert traffic report, it cannot be supplied by me or RAID due to the confidentiality undertaking requested by Transport for New South Wales and enforced by the New South Wales LEC;
15 however, the IPC, being the first respondent in the matter, may provision capacity to consult – it may provision you the capacity to consult your legal representative and utilise the same facility to gain access to the report in question.

20 I suggest this in interests of maximum transparency and to avail the current Commissioners of the primary argument therein as it has a direct relationship for the argument made today and a desire to avoid another class 1 appeal of a subsequently erroneous decision on MPW Stage 3. Other material that would be foundationally helpful is bound up in legal privilege and would not be appropriate to share. In its place, a series of requests for material and questions with annexed references will be
25 supplied via a hyperlink to a Dropbox. It contains questions and annexes for 11 agencies or companies connected to these projects and a matrix that will identify where queries are duplicated across intended recipients.

30 As it relates specifically to MPW Stage 3, the preparation for this meeting – any preparation with this meeting, I can advise that I have read and reviewed the impact – the Environmental Impact Statement in general; most of the relevant key issue technical appendices in specific; the transcript of the IPC meeting with and the presentation from the Applicant; the transcript of the IPC meeting with and the presentation from the Department with particular focus on the transcripts in the lead
35 up to composing this presentation. I note – I note that based on reading both transcripts in full, the DPI – DPIE had many discussions with the Applicant and several rounds of negotiations on the application and potential conditions of consent. RAID was not afforded the same.

40 As of today's meeting, the Commissioners will have spent at least 90 minutes consulting DPIE. As of today's meeting, the Commissioners will have spent at least 87 minutes consulting Qube and/or its consultants. Accordingly, I make the direct request of the Commission and the Commissioners that they set aside at least a further three hours to consult with me and others on behalf of RAID Incorporated so
45 that we might present and unpack many of the elements that cannot be easily explained or understood in 15 minutes. We have meticulously downloaded material

from DPIE and IC – the IPC websites, among others, as a foundation of preparation for this meeting.

5 I can advise that I have reviewed every RTS, EIS and RTS, and sometimes
supplementary RTS; every key issue appendix, though not all are considered critical;
every critical technical paper, primarily traffic and concomitants like air and noise;
every PAC IPC decision and report; every instrument of consent and modification,
except for those tied up under part 3A where we have no redress. I've reread – I've
10 reread our statement of facts and contentions for the appeal; reread RAID
Moorebank briefing documents for the current appeal; and reviewed the thousands of
pages composed and submitted on these topics. To ensure relevance and probity, all
the before described reading and research has been applied and viewed through the
prism of enumerated requirements set out in the SEARs and conditions of consent
antecedent to this project.

15 It's by prioritising these SEARs that it becomes very clear that there is too much to
dissect and present in 15 minutes, not least of which SEAR 1, strategic context.
Based on the brief snip that's previously touched on today, one can spend a whole
day presenting on the providence and relevance of a strategic context, most
20 especially as one takes issue with the citation of posthumous literature that has
grandfathered more bank IMTs as given. The appropriate starting point would be
these itemised situations. Given the bells, I'm assuming I need to kick on really
quick, so I'm just going to blast through this.

25 MS LEESON: Erik, that is the 15-minute time request that you had. How much
longer is your presentation likely to take? If I afford you - - -

MR RAKOWSKI: Well, I haven't - - -

30 MS LEESON: - - - another couple of minutes, can you take your way - - -

MR RAKOWSKI: Yes, I'm - - -

35 MS LEESON: - - - briefly through - - -

MR RAKOWSKI: I'm going to jump straight to the nuts and bolts.

MS LEESON: We'll grant - - -

40 MR RAKOWSKI: Okay.

MS LEESON: We'll grant you another two minutes, Erik.

45 MR RAKOWSKI: Okay. That's largely going to be immaterial. All right.

MS LEESON: What we'd be most interested in is any of your commentary that's in
the rest of your submission relevant to the application in front of us, and, in

particular, any comment that you may have or issues with the Department's assessment report and recommended conditions.

MR RAKOWSKI: Okay.

5

MS LEESON: If I can take you straight to those.

MR RAKOWSKI: Yes. Yes. Look, in – in – in – in short, blunt order, we consider that the DPIEs assessment is faulty. We also consider that, essentially, that the – the Application as it exists is not – not cumulative, it's not consistent and it's not compliant. And, for those reasons, there is no adequate baseline data upon which the Commission can approve the project as – as it currently has been applied for. Now, I can go into more detail on that, obviously, because those are some very big statements, but given I don't have the time, that's the conclusion that I would have elaborated on.

10
15

MS LEESON: Then what I ask or suggest that you might do is formulate what you would have said on the back of my question just now into your submission – into a submission, if you care to make one, by Monday evening of next week to the Commission.

20

MR RAKOWSKI: Sure.

MS LEESON: So if you can formulate the rest of that presentation along the lines that I suggested, then we'll take that into consideration when we get that next week.

25

MR RAKOWSKI: Sure. So that's – that's what the rest of it is that we didn't get to. That's – it precisely goes through that exact question.

MS LEESON: Okay. All right. Well, then I'd like to thank you for your time, Erik. We'll receive your submission next week and we'll close today's meeting on that basis. So, thank you.

30

MR RAKOWSKI: One final thing for you though, Commissioners. I – I want to stress again that, as I – I know I went through it very quickly, but – and I know I don't expect an answer right now, but I am again directly asking for more time with the pair of you, or whoever else needs to attend, so that we can do Q&A in a similar fashion that DPIE and the Applicants have done. I think that's the only fair and appropriate way to unpack the really dense issues that need to be addressed if – if one is to properly speak on this precise Stage 3.

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MS LEESON: We'll take that into account and we'll come back to you on that issue. But that brings us to the end of this public meeting into the Moorebank Intermodal Precinct West – Stage 3 project. Thank you to everyone who has participated in this important process, and, Professor Richard Mackay, thank you, and I appreciate your input today. Just a reminder that it's not too late to have your say on this application. Simply click into the Have Your Say portal on our website

45

or send us a submission by email or post. The deadline for written comments is 5 pm next Monday the 26th of April.

5 In the interests of openness and transparency, we'll be making a full transcript of this public meeting available on our website in the next few days. At the time of determination, the Commission will publish its statement of reasons for decision, which will outline how the panel took the community's views into consideration as part of its decision-making process. Finally, a quick thank you to my fellow
10 Commissioner, Professor Richard Mackay, and thank you for watching. From all of us here at the Commission, enjoy the rest of your day and good afternoon. Thank you.

RECORDING CONCLUDED

[12.39 pm]