Our Ref: 8201807901_002:DJT
Contact: Daniel Thompson

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Department of Planning and Environment
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Dear Alix,

MOOREBANK PRECINCT EAST - STAGE 2 - RESPONSE TO SUBMISSIONS REVIEW

The Sydney Intermodal Terminal Alliance (SIMTA) obtained Concept Approval (MP 10_0913) for the Moorebank Precinct East (MPE) located at Moorebank, NSW. The SIMTA are currently seeking approval for the construction and operation of Stage 2 of MPE (SSD 7628).

The works associated with Stage 2 were detailed within the Environmental Impact Statement (EIS) (Arcadis 2016) titled *Moorebank Precinct East – Stage 2 Proposal: Environmental Impact Statement* (MPE Stage 2 EIS). Stage 2 of MPE involves the construction and operation of warehousing and distribution facilities on the MPE site and upgrades to approximately 1.5 kilometres of Moorebank Avenue. The project components include:

> Warehousing comprising approximately 300,000m^2 GFA and additional ancillary offices

> A freight village, comprising 8,000m2 GFA of retail, commercial and light industrial land uses

> Establishment of an internal road network, and connection of the MPE site to the surrounding public road network

> Ancillary supporting infrastructure

> Subdivision of the MPE Stage 2 site

> An upgrade to Moorebank Avenue

> Upgrading existing intersection along Moorebank Avenue to the south of ANZAC Road.

Cardno on behalf of Liverpool City Council (Council), along with a range of other parties made submissions to the Stage 2 EIS. SIMTA subsequently prepared a document responding to submissions received by the Department of Planning and Environment (DP&E) during the exhibition period titled *Moorebank Precinct East – Stage 2 Proposal: Response to Submissions – SSD 16_7628* (Arcadis. 2017) (RtS document). DP&E have invited Council to make a submission to the RtS document. Subsequently, Council have engaged Cardno to undertake a peer review of the RtS documentation.

This brief submission should be read in the context of Council's more wide ranging submission undertaken by Cardno (2017) dated 20 February 2017, along with previous submission prepared by Cardno on behalf of Council to DP&E in relation to these projects. The review identified that a number of the matters initially raised have been addressed in the RtS document. However, a number of matters remain outstanding, as they have not been comprehensively addressed, with the potential to impact on the surrounding environment and community. Key overarching issues comprise:

> Legislation

> Traffic

> Noise

> Soils

> Human Health

> Biodiversity

> Property and Infrastructure

These environmental aspects are discussed in the sections below. In addition to these environmental aspects it is noted that the RtS document contains a number of modifications to the MPE Stage 2 proposal that have been added at the RtS stage, which substantially change the range and extent of the proposal. Specifically, the RtS document is seeking the following additional amendments:

> Realignment of the OSD in the north-eastern corner of the Proposal site

> Changes to the horizontal extent of the Moorebank Avenue Upgrade

> Changes to Warehouse layout in two separate locations

> Alterations to the drainage design to the south of the MPE site

> Amendments to the Construction Area and Operational Area as a result of the above amendments

It is unreasonable to add these changes late in the assessment program without a formal modification to the Concept Approval. Introducing these amendments at this point is likely to limit the scrutiny these items are subject to, reducing the transparency of the assessment.

Legislation

RtS ID	Assessment of Adequacy / Further Comments
LCC-215	Whilst there is some evidence that the two sites have tried to evaluate the cumulative impacts of the two projects, the two sites will be able to operate independently of each other. There is no consolidated infrastructure that services both sites such as one rail link, container storage facilities or freight villages. All these aspects have been duplicated, increasing impacts on surrounding land uses that could have otherwise been mitigated had a holistic master planning exercise been undertaken that encompassed both sites. It is noted that site works have commenced however no infrastructure has been constructed to this point, with activities occurring on site relating to demolishing works. For a fully efficient site to satisfactorily operate in this location, detailed master planning should occur to ensure that operational efficiencies can be achieved whilst reducing the wide range of environmental impacts that will occur should the proposed works proceed in their current forms.
LCC-216, LCC-217, LCC-218, LCC-219, LCC-220	It is acknowledged that an IMT is required within south-east Sydney to service the growing freight needs of Port Botany and reduce freight transport movements both from Port Botany and the Western Sydney Airport (WSA). However, the strategic justification has not been adequately addressed within the documentation prepared for both the MPW and MPE sites with respect to other potential sites throughout the area. With the proposed WSA at Badgerys Creek there is the opportunity to provide a consolidated freight handling precinct in close proximity to the new airport, further increasing efficiencies with infrastructure utilisation across the Greater Sydney Area. The area around the airport has extensive land that could be better utilised as an IMT, greater access to the M7 and the connecting road networks to both the north and west whilst still remaining in close proximity to the SSFL. This position is supported in A Plan for Growing Sydney (2014), with an IMT at Badgerys Creek given a significant role within Sydney's freight handling network. The Moorebank precinct is poorly placed adjacent to the M5, which is close to capacity with reduced accessibility to both the north and west. It appears that this site has been solely chosen for its ease of connection to the SSFL without taking a more holistic view of connections to the wider transport network. The aim should be to remove freight from Sydney's road network, not move it into an already congested area of western Sydney. The MPW Stage 2 and all the documentation that has proceeded it has not appropriately assessed the optimal use for the former School of Military Engineering site. The location is located between the Georges River and Moorebank Avenue, providing a picturesque location whilst including good access to public transport and the wider road network. The site is ideally placed to support mixed use residential and commercial development that would

	support greater economic growth through job creation and infrastructure delivery than currently proposed by the IMT use.
LCC-221, LCC-227	A partial assessment of the proposal against the Liverpool DCP has been included at Appendix J of the RtS document. This assessment addresses a number of DCP controls but does not address the strategic intent of Council for this key piece of land within the Liverpool LGA. The site is recognised as having a wide range of potential uses for residential, commercial and industrial applications. The use of the site as an IMT is very one-dimensional and does not provide the activation that a more diverse mix of uses could achieve. The scale of the site would create the potential for clustering of various industries if it was to be developed as a high tech industrial area, providing diverse jobs in an environmentally benign setting. Additionally, an IMT is better suited to a high transport orientated environment, where there is significant areas of land that could support extensive warehousing and distribution operations. Whilst the proposal includes some of these facilities, the site is essentially land locked and would require further facilities to be developed in south-west Sydney, thereby directing traffic onto the existing road network which this project is seeking to reduce. Overall, the location of the site relies primarily on its close proximity to the SSFL and its former defence use as justification for its use as an IMT. Rather, more extensive and broad reaching assessment of a number of sites should have been undertaken to determine a more appropriate site.
LCC-222	Whilst it is acknowledged that a planning proposal was approved for the site to allow for the development of an IMT to occur, Council has been required to plan for this use rather than undertake a robust assessment of the site. This process would have allowed a range of alternative land uses to be considered, with more appropriate results achieved, providing better outcomes for the LGA and Greater Sydney. The development of the MPE site is not in keeping with the objectives of both the Vision for the Riverfront Lands and the Georges River Casula Parklands Draft Master Plan. These plans provided a strategic direction to increase the public use and amenity of the foreshore to facilitate residential and commercial development. These plans aimed to retain and enhance the visual and ecological value of the Georges River and foreshore environment. The development of the MPE site will not achieve these aims. The proposed works include substantial amounts of fill to be imported to site, with associated loss of significant areas of vegetation. The development of the site will transform a low density military base environment, with its associated large areas of open space and low scale builds, to a high density industrial use with large bulky warehouses serviced by large volumes of truck movements, heavy forklift operation and rail movements.
LCC-223, LCC-224, LCC-225	These comments are addressed within the MPE Concept Plan Mod 2
LCC-226, LCC-229	Significant omissions from the environmental assessments undertaken remain in a number of areas of the project. Key matters identified within Section 79C of the EP&A Act requires that; *b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,* The assessments undertaken relating to traffic have been found to be deficient in a number of areas. Firstly, the lack of back of queue data for all assessed intersections indicate that either an incomplete assessment has been undertaken or that detrimental data was found with a decision made to not include within provided documentation. Secondly, the assessments undertaken has not provided any investigation into the impacts that will result from the significant increases in heavy vehicle traffic that is proposed within the MPE Stage 2 EIS. There are significant risks imposed by increased heavy vehicle traffic to both the safety of other road users in the vicinity of the site and to the maintenance implications of heavy vehicles using the surrounding road network. Further assessment of these two aspects, as well as the other requirements detailed below, should be required to be undertaken prior to the approval of this application. The Noise and Vibration assessment has failed to adequately assess the full impact of the proposal contained within the MPE Stage 2 EIS. The implications of the MPE Stage 2 site, operating in conjunction with the MPW site, will result in a significant increase in Rail freight that will utilise the SSFL exclusively for handling and distribution within the MPE site. However, no assessment has been undertaken relating to the significant increase in freight movements that will be associated with the site, especially in relation to the various sensitive receivers that will be exposed to increased rail noise along the length of the SSFL. Additionally, there is a lack of detail as to the quanta of construction equipment that will be operating on site at any one time. The assessment indicates the types of equipment that will be present but does not address the cumulative impacts that multiple pieces of equipment

	would have on surrounding sensitive receivers. Noting the exceedances predicted at Wattle Grove, this omission of information is critical to determining the veracity and therefore extent of the impacts from noise at the site to the surrounding environment. The lack of detail in these two areas places significant concern on the completeness of the assessments undertaken to support the MPE Stage 2 application. This lack of information has significant flow on impacts to cumulative assessments undertaken for both the Modification to the Concept Plan for MPE as well as any cumulative assessments undertaken as part of MPW. All applications should be placed on hold until the completeness of each individual assessment can be demonstrated, enabling a comprehensive assessment of the whole precinct to be undertaken. The RtS document includes amendments to the proposal detailed within the MPE Stage 2 EIS. One of these amendments has not included additional assessment of the impacts that will result. The extension of the upgrades to Moorebank Avenue will include additional impacts to existing native vegetation that has not been adequately assessed, with requirements for vegetation not met. This lack of assessment is of significant concern as the vegetation proposed for removal is mapped as having conservation value. Not work regarding the upgrades to Moorebank Avenue should be commenced until a comprehensive assessment of the extra vegetation required to be removed has been undertaken. The only way to undertake a comprehensive assessment for the whole precinct is through a holistic master planning process for the entire site, assessing all impacts to the surrounding environment in a comprehensive manner.
LCC-228	The assessment of Stage 2 of the MPE site is required to be in accordance with the MPE Concept Plan. At present the Concept Plan is being modified, with those modifications required for this application. It is not possible to accurately and comprehensively assess this application against the concept plan until that the modification has been finalised. As such, this application should be placed in abeyance until that process is finished. Approval of both concurrently does not provide other government agencies and the public adequate opportunities to compare and determine the adequacy of the information provided in this application

Traffic

RtS ID	Assessment of Adequacy / Further Comments
LCC-94, LCC-98, LCC-106, LCC-107, LCC-108, LCC-133, LCC-136	Back of queue data is an important measure of the effect of queued traffic on upstream and downstream infrastructure and the safety of other motorists. As noted in the RtS document "*upstream/downstream queuing impacts at intersections were considered in the AIMSUN and SIDRA model and considered in determining the appropriate mitigation measures*". Back of queue data is once again requested to fully assess the traffic impacts of the proposed development and to assess the adequacy of the proposed mitigation measures.
LCC-102, LCC-103	Due to the close proximity of the proposed MPE Stage 2 Site Access intersection with the MPE Stage 1 Site Access intersection, there is concern over the effect of vehicle queuing on the performance of the proposed MPE Stage 2 Site Access intersection. As outlined in Table 5-9 of Appendix Kb (OTTIA), the LoS for the MPE Stage 2 Site Access intersection is class F for the "*Do-Min*" scenario. Table 5-9 also specifies that the LoS for the MPE Stage 2 Site Access intersection is class A for the "*With assumed network upgrades – see Table 6-1*" scenario. However, there are no details in Table 6-1 for the network upgrades of this intersection that justifies this modelled improvement in LoS. Further clarification is required on the assumed network upgrades for this intersection that were used in the model to yield these results.
LCC-122, LCC-123, LCC-131, LCC-135	As noted by the proponent, "*overall, it is concluded that the Proposal (and cumulative scenario including the Proposal) would result in only marginal traffic impacts to the surrounding road network* ***in the presence of mitigation and management measures***". The only way in which marginal traffic impacts from the proposed development can be achieved is if the assumed network upgrades are completed as detailed in Table 6-1 of the Appendix Kb (OTTIA). As such these upgrades should be included as a condition of consent, to be executed by the relevant parties prior to the commencement of the relevant stages of operations of proposed facilities.
LCC-124	It is requested that subsequent to the finalisation of the Precinct Model, an independent review be undertaken to verify the required infrastructure upgrades within the study area to facilitate the MPE and MPW developments, as compared to those required to address existing infrastructure condition and utilisation, and forecast background growth. The review should also consider the feasibility of the necessary upgrades given the heavily developed urban form within the surrounding area, which limits the potential for road widening and major intersection improvements. This will ensure a fair and impartial assessment of the impacts of

	the proposed development on the existing infrastructure, and the necessary upgrades required directly as a result of the proposed development. It is also requested that the associated developer contributions or "works in kind" for the independently verified upgrades, and the timing of such upgrades, be determined and agreed with relevant parties prior to the commencement of construction of the proposed development.
LCC-131, LCC-139	Whilst the proposed development may not greatly increase net traffic flow from a total vehicle perspective, it will greatly increase the amount of total heavy vehicle movements as compared to background heavy vehicle traffic levels. Heavy vehicle movements have a significantly greater impact on road maintenance and safety than light vehicles. As per Table 5-3 and Table 5-4 of Appendix Kb (OTTIA), the relative increase in heavy vehicle movements on surrounding network as compared with background traffic (heavy vehicles) is as follows: ▪ 2019 – Moorebank Ave, north of Anzac Road = +47% ▪ 2019 – Moorebank Ave, south of Anzac Road = +57% ▪ 2029 – Moorebank Ave, north of Anzac Road = +39% ▪ 2029 – Moorebank Ave, south of Anzac Road = +46% Clarification is sought as to how the impact of this significant increase in heavy vehicle movements has been evaluated in terms of both road maintenance and safety. Further review of this information is requested, as any increase in traffic generation beyond that currently identified would have flow on impacts to other environmental aspects including noise, air quality, human health and amenity.

Noise

RtS ID	Assessment of Adequacy / Further Comments
LCC-3, LCC-11	Whilst the proponent has noted that "*the cumulative Proposal would have minimal impact on noise impacts in the local area, and that the existing ambient noise is the major contributor to total noise*", the assessment of noise from the proposed development has focussed on the movements of rail vehicles on site only, and has not considered the effect of noise associated with rail movements along the SSFL, which are understood to be the largest contributor of ambient noise for the sensitive receivers. As such, the impact of noise associated with movements of rail vehicles along the SSFL that are exclusively related to the operation of the proposed facilities should also be factored into the assessment of noise that will be experienced by sensitive receivers associated with the development.
LCC-4, LCC-12	Noting the modelled exceedance of the allowable $LA_{eq,15min}$ construction noise levels for the most affected receivers in Wattle Grove, it is requested that the Construction Noise and Vibration Management Plan (CNVMP) include a requirement to monitor noise at these sensitive receivers throughout construction to ensure the efficacy of proposed control and mitigation measures.
LCC-4, LCC-12	Further to comment above, noting that the results modelled for Casula and Wattle Grove North are approaching the allowable $LA_{eq,15min}$ limits, consideration should be given to including requirements for the monitoring of noise at these sensitive receivers throughout the construction period to ensure the efficacy of proposed control and mitigation measures, particularly if exceedances are observed at the most effected receivers at Wattle Grove.
LCC-5, LCC-49, LCC-53, LCC-54	Whilst Section 6 of Appendix L (NVIA) outlines the typical sound power levels for construction plant and the types of equipment expected on site during construction, it does not list the assumed quantities of each type of equipment. Further detail on the assumed quantities of equipment on site during construction is required to confirm if due consideration has been given to the increased quantity of equipment required to place the significant additional amounts of fill on site that have been proposed in the MPE Stage 2 proposal.
LCC-47, LCC-49	Noting the modelled exceedance of the allowable $LA_{eq,15min}$ construction noise levels for the most affected receivers in Wattle Grove, it would seem reasonable that due consideration would be given to the additional impact of activities identified as highly annoying in the ICNG (DECC 2009), such as vibratory rollers and compactors, excavators with hammers, concrete saws and jackhammers, notwithstanding the proponents view that the modelling conducted to date is "*conservative*" due to "*modelling all construction plant operating continuously and at the same time*".
LCC-49, LCC-53, LCC-54	Due to the large number of diesel powered heavy vehicles (locomotives, container forklifts and b-double prime movers) that will operate on the site, and the nature of shunting and short

	distance stop/start movements associated with the operations of proposed facilities, due consideration and assessment should be given to the potential for tonal, low frequency and intermittent noise sources. Clarification is sought regarding the formal process undertaken to assess the potential noise sources of the proposed development against the requirements of the NSW Industrial Noise Policy (NSW INP) (EPA 2000), that supports the proponents statement that "*no modifying factors are considered necessary to assess low frequency noise, or any other annoying characteristic, in the operational noise levels from the site*".

Soils

RtS ID	Assessment of Adequacy / Further Comments
LCC-153, LCC-162, LCC-163	The RtS document addresses the initial comment however the author should consider rewording Section 13.2.4 to avoid confusion regarding the presence / absence of "existing sources" e.g. the use of "unidentified and/or unexpected sources" instead.
LCC-154, LCC-155, LCC-156	The RtS document has addressed the initial comment. However the report should also provide further detail as to the method of governance of fill importation including quality assurance and quality control measures e.g. a fill management protocol. The report should also confirm that importation of fill will be subject to audit by a NSW EPA Accredited Site Auditor under Part 4 of the Contaminated Land Management Act 1997 (CLM Act) or alternatively an independent specialist consultant.
LCC-164, LCC-165	The RtS document has addressed the initial comment. However the report should also provide further detail as to the method of governance of fill importation including quality assurance and quality control measures e.g. a fill management protocol. The report should also confirm that importation of fill will be subject to audit by a NSW EPA Accredited Site Auditor under Part 4 of the Contaminated Land Management Act 1997 (CLM Act) or alternatively an independent specialist consultant.

Human Health

RtS ID	Assessment of Adequacy / Further Comments
LCC-1	We acknowledge that the forecast daily traffic volumes of 1,936 cars (3,872 movements) and 282 trucks (564 movements) entering the Proposal site each day was adopted after consultation with RMS and Transport for NSW for the Noise and Vibration Impact Assessment (Wilkinson Murray, 2016) and emissions estimation in the Air Quality Impact Assessment (Ramboll Environ). However, there are still concerns about the completeness of the traffic impact assessment as it has been noted that heavy vehicle movements in particular have a significantly greater impact on road maintenance and safety than light vehicles. As per the request above in relation to LCC-131 and LCC-139, clarification is sought as to how the impact of this significant increase in heavy vehicle movements has been evaluated in terms of both road maintenance and safety. Further review of this information is requested, as any increase in traffic generation beyond that currently identified would have flow on impacts to other environmental aspects including noise, air quality and amenity, which are all factors that can affect human health.
LCC-2	The assessment concluded that the Proposal (and cumulative scenario including the Proposal) would result in only marginal traffic impacts to the surrounding road network, with the implementation of the proposed mitigation and management measures. As per the comments above in relation to LCC-122, LCC-123, LCC-131 and LCC-135, any proposed road upgrades should be included as a condition of consent and incorporated into a voluntary planning agreement (VPA), to be executed by the relevant parties prior to the commencement of the relevant stages of operations of proposed facilities. This will ensure that road infrastructure upgrades are staged and undertaken progressively in accordance with the project development, thus reducing the risk of congestion and safety issues that can have a detrimental impact on human health. Similarly the installation of any visual amenity mitigation measures such as vegetation plantings should also be included as consent conditions and within the VPA, which specify that mature plant specimens be used and established during the early construction phases to ensure effective establishment of visual screening and street scape enhancements to minimise impacts to the surrounding community.
LCC-3, LCC-4	Concerns still exist about the community's exposure to unacceptable noise levels, especially those above World Health Organisation community noise guideline criteria. Although the MPE Stage 2 proposal does not specifically seek approval for the construction or operation of rail infrastructure on the site the rail movements along the SSFL are influenced by the

	proposed MPE Stage 2 proposal and therefore any forecast impacts arising from the development will need to be identified and mitigated during either the construction and/or operational phases. Therefore it is recommended that the conditions of consent require that the Construction Noise and Vibration Management Plan (CNVMP) include a requirement to monitor noise at sensitive receivers throughout construction to ensure the efficacy of proposed control and mitigation measures. Additionally, a consent condition should require noise and vibration monitoring of project impacts to sensitive receptors surrounding the site and along the SSFL during the operational phase of the project to validate and verify any predictions in the EIS studies.
LCC-5, LCC-6	It is acknowledged that an error in wording has been noted in the Noise and Vibration Impact Assessment. Although mitigation is deemed to not be required at Wattle Grove North, Casula and Glenfield as impacts are not predicted during Out of Hours (OOH) periods, as per above it is recommended that if the project is approved, then any conditions of consent shall include a requirement to monitor noise at sensitive receivers throughout both the construction and operational stages to ensure the accuracy of predicted impacts and to confirm that no further mitigation measures are required. This will ensure that real time monitoring data is available to inform the community and Council of any potential impacts (if any) to their health and wellbeing.
LCC-7, LCC-8, LCC-11, LCC12, LCC-14, LCC-15, LCC-16, LCC-17, LCC-18	The revised noise and air quality impact assessments (including other human health related environmental aspects. such as flooding, visual amenity, land contamination) were deemed to not change. Consequently, any human health risks associated with these aspects would only be identified through physical monitoring activities, at which point the opportunity for design efficiencies is lost. Precinct-wide monitoring of air quality and noise and vibration is expected to be undertaken during construction and operation of the MPE and MPW Project's to facilitate adherence with the relevant Conditions of Approval, Environment Protection Licences and encourage environmental best practice, where reasonable and feasible. It is therefore recommended that should the proposal be approved any conditions of consent include a requirement to monitor noise and air quality at sensitive receivers, as well as project aspects that may impact on human health, throughout both the construction and operational stages to ensure the accuracy of predicted impacts and efficacy of the proposed control and mitigation measures. The outcomes of this monitoring would be documents in regular reporting, as specified by the projects Conditions of Approval.
LCC-9, LCC-13, LCC-19	It is acknowledged that measures to manage project wide environmental impacts from the operation of the Proposal would be included in an Operational Environmental Management Plan (OEMP) to be developed and implemented for the Proposal. The process of ensuring future tenant compliance with any project wide environmental management requirements will need to be enforced by preparation and submission of OEMP audit reports, including any required monitoring results, to relevant DP&E for review. Should the project be approved then a condition of consent should be included to ensure tenant lease agreements include commitments by the proponent to have tenants involved in broad scale environmental management plans and monitoring requirements.
LCC-10, LCC-21	Should the project be approved then a condition of consent should be included that outlines all required standards and inspection requirements for the proposed operation of food premises within the freight village. This should state the facilities will be constructed and operated to meet legislative requirements and Australian Standards (as relevant), including: • AS 4674-2004: Design, construction and fit out of food premises • AS 4322-1995: Quality and performance of commercial electrical appliances - Hot food storage and display equipment • AS ISO 22000—2005: Food safety management systems—Requirements for any organisation in the food chain. In addition, operations for food premises within the freight village would need to comply with the Australia New Zealand Food Standards Code.
LCC-20	It is acknowledged that NSW Health were provided with an opportunity to review the EIS during the public display period. Considering the broad scale impact potential of this project it is recommended that continued liaison with NSW Health occur, especially to disseminate any monitoring results from the project's construction and/or operational phases so that the community can be made aware of any emerging issues which may be identified.

Property and Infrastructure

RtS ID	Assessment of Adequacy / Further Comments
LCC-83	Notwithstanding the strong and consistent support at State and Commonwealth Government levels for the development of an IMT in Moorebank, no serious attempt has been made throughout the approval process in evaluating other alternative locations, nor has any consideration been given to alternate development opportunities of the site, other than to "*do nothing*". In light of the recent approval of the Western Sydney Airport (WSA) and the associated infrastructure that will be constructed to facilitate its development, due consideration should be given to alternate locations for this IMT in close proximity to the WSA, particularly given the environmental impacts associated with developing this proposed IMT at Moorebank. Furthermore, options for alternate development of the Moorebank site should also be considered, that may yield greater employment benefits for the Liverpool area, reduced environmental impacts, and be more consistent with strategic development goals for the region.
LCC-84, LCC-85, LCC-87, LCC-88, LCC-89, LCC-90, LCC-212, LCC-213, LCC-214	It is requested that subsequent to the finalisation of the Precinct Model, an independent review be undertaken to verify the required infrastructure upgrades within the study area to facilitate the MPE and MPW developments, as compared to those required to address existing infrastructure condition and utilisation, and forecast background growth. This will ensure a fair and impartial assessment of the impacts of the proposed development on the existing infrastructure, and the necessary upgrades required directly as a result of the proposed development. It is also requested that the associated developer contributions or "works in kind" for the independently verified upgrades, and the timing of such upgrades, be determined and agreed with relevant parties including Council and RMS prior to the commencement of construction of the proposed development.

Amendments to the Proposal

Item	Comment
7.1.2 Amended Proposal Assessment Methodology, Operation, Amendments to the Proposal	There appears to be a typo in the statement "*As identified in Table 6-4 of this RtS, amendments to the Proposal would result in changes to operational traffic movements*". Please confirm if it should read "*As identified in Table 6-4 of this RtS, amendments to the Proposal would **not** result in changes to operational traffic movements*
Table 7.3, Item I-2	The updated cumulative development results highlight the significant negative impact on LoS at the M5 Motorway / Existing Moorebank Avenue interchange if the assumed network upgrades are not implemented. As such the specified upgrades should be included as a condition of consent, to be executed by the relevant parties prior to the commencement of the relevant stages of operations of the proposed facilities.
Table 7.5, Distance to Proposal, Amended Construction Area / Wattle Grove	It is noted that the distance to the most sensitive receiver at Wattle Grove has been reduced by a further 15m. Noting the modelled exceedance of the allowable $LA_{eq,15min}$ construction noise levels for the most affected receivers in Wattle Grove, it is requested that the Construction Noise and Vibration Management Plan (CNVMP) include a requirement to monitor noise at these sensitive receivers throughout construction to ensure the efficacy of proposed control and mitigation measures.
Biodiversity	Responses provided to issues previously raised on the project in regards to biodiversity appear to be adequate, however, the biological assessment of the proposed amended construction area is lacking in on the consideration of the impact of the additional development areas. The proposed amendments to the proposal, based on the maps provided in the RtS document, include the expansion of the area along Moorebank Avenue to the south. The development footprint is also expanding to the east and west of Moorebank Avenue into vegetated areas which are described in the project Biodiversity Assessment Report (BAR) as coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion. This Plant Community Type (PCT) is an endangered

ecological community under the *Threatened Species Act 1995* (recently repealed and replaced by the Biodiversity Conservation Act 2016).

The RtS document describes the impact of the expanded construction area into the above PCT as:

- mostly occurring in areas that support planted and disturbed vegetation and no PCTs, TECs or potential for threatened flora or fauna species; and
- resulting in a reduction of 0.01 ha of clearing of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East bioregions.

No additional biodiversity specialist report has been undertaken to assess the impacts of the proposed amendment.

These conclusions provided do no correlate with the mapping provided within the reports suggesting that the proposed amendments to the project have not considered the ecological impacts of the proposed amendments. A lack of reporting also indicates that any required amendments to the BAR have not considered.

Recommendations

Based on this review it is recommended that prior to approval:

- A specialist biodiversity assessment be undertaken of the additional areas of vegetation which are proposed to be removed as part of the additional construction areas
- The Biodiversity Assessment Report be amended to reflect the proposed additional impacts
- Necessary changes are made to the Biodiversity Offset Strategy to ensure suitable mitigation is undertaken.

Summary

The review of the MPE Stage 2 EIS (Arcadis, 2016) undertaken by Cardno (2016) identified a range of issues that should be addressed to allow the full extent of the environmental impact associated with the proposed works within Stage 2 of MPE site to be realised. The RtS document (Arcadis, 2017) responded to this submission in addition to the submissions received from a range of other parties. The RtS document fails to adequately address the issues raised, with numerous concerns overlooked, and with further significant amendments to the proposed Stage 2 works added.

This review of the RtS document has highlighted concerns surrounding the assessments undertaken to date to ensure that no adverse environmental impacts result to the surrounding land uses adjacent to the site. Significant omissions from the environmental assessments undertaken remain in a number of areas of the project. Key matters identified within Section 79C of the EP&A Act requires that;

> *b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The assessments undertaken relating to traffic have been found to be deficient in a number of areas. Firstly, the lack of back of queue data for all assessed intersections indicate that either an incomplete assessment has been undertaken or that detrimental data was found with a decision made to not include within provided documentation. Secondly, the assessments undertaken has not provided any investigation into the impacts that will result from the significant increases in heavy vehicle traffic that is proposed within the MPE Stage 2 EIS. There are significant risks imposed by increased heavy vehicle traffic to both the safety of other road users in the vicinity of the site and to the maintenance implications of heavy vehicles using the surrounding road network. Further assessment of these two aspects, as well as the other requirements detailed below, should be required to be undertaken prior to the approval of this application.

The Noise and Vibration assessment has failed to adequately assess the full impact of the proposal contained within the MPE Stage 2 EIS. The implications of the MPE Stage 2 site, operating in conjunction

with the MPW site, will result in a significant increase in Rail freight that will utilise the SSFL exclusively for handling and distribution within the MPE site. However, no assessment has been undertaken relating to the significant increase in freight movements that will be associated with the site, especially in relation to the various sensitive receivers that will be exposed to increased rail noise along the length of the SSFL. Additionally, there is a lack of detail as to the quanta of construction equipment that will be operating on site at any one time. The assessment indicates the types of equipment that will be present but does not address the cumulative impacts that multiple pieces of equipment would have on surrounding sensitive receivers. Noting the exceedances predicted at Wattle Grove, this emission of information is critical to determining the veracity and therefore extent of the impacts from noise at the site to the surrounding environment.

The lack of detail in these two areas places significant concern on the completeness of the assessments undertaken to support the MPE Stage 2 application. This lack of information has significant flow on impacts to cumulative assessments undertaken for both the Modification to the Concept Plan for MPE as well as any cumulative assessments undertaken as part of MPW. All applications should be placed on hold until the completeness of each individual assessment can be demonstrated, enabling a comprehensive assessment of the whole precinct to be undertaken.

The RtS document includes amendments to the proposal detailed within the MPE Stage 2 EIS. One of these amendments has not included additional assessment of the impacts that will result. The extension of the upgrades to Moorebank Avenue will include additional impacts to existing native vegetation that has not been adequately assessed, with requirements for vegetation not met. This lack of assessment is of significant concern as the vegetation proposed for removal is mapped as having conservation value. Not work regarding the upgrades to Moorebank Avenue should be commenced until a comprehensive assessment of the extra vegetation required to be removed has been undertaken.

The only way to undertake a comprehensive assessment for the whole precinct is through a holistic master planning process for the entire site, assessing all impacts to the surrounding environment in a comprehensive manner.

In addition to these significant shortcomings in the environmental assessment undertaken for the MPE Stage 2 proposal, there are a number of additional mitigation measures that should be required of the proposal as conditions of consent. These requirements will provide additional certainty that the impacts from the proposal will at least be continues to be monitored to ensure no undue impacts of the surrounding community and environment around the site. Of particular note are the measures detailed below;

> Preparation of a Voluntary Planning Agreement (VPA) that details the requirements and timings for upgrades to the road network surrounding that site that will be impacted by extra traffic generation and the affect that increased heavy vehicles would have on the safety and maintenance of the surrounding area.

> The VPA should include requirements for vegetation plantings, detailing timing and requirements for screening plantings around the site.

> The requirement for noise and vibration monitoring of project impacts to sensitive receptors surrounding the site and along the SSFL during the operational phase of the project to validate and verify any predictions in the EIS studies.

> The requirement to monitor noise at sensitive receivers throughout both the construction and operational stages to ensure the accuracy of predicted impacts and to confirm that no further mitigation measures are required.

> The requirement to monitor noise and air quality at sensitive receivers, as well as project aspects that may impact on human health, throughout both the construction and operational stages to ensure the accuracy of predicted impacts and efficacy of the proposed control and mitigation measures.

> The requirement to ensure tenant lease agreements include commitments by the proponent to have tenants involved in broad scale environmental management plans and monitoring requirements.

> The inclusion of a condition of consent that outlines all required standards and inspection requirements for the proposed operation of food premises within the freight village. This should state the facilities will be constructed and operated to meet legislative requirements and Australian Standards (as relevant), including:

  - AS 4674-2004: Design, construction and fit out of food premises

- AS 4322-1995: Quality and performance of commercial electrical appliances - Hot food storage and display equipment
- AS ISO 22000—2005: Food safety management systems—Requirements for any organisation in the food chain.

> The requirement for an independent review be undertaken to verify the required infrastructure upgrades within the study area to facilitate the MPE and MPW developments, as compared to those required to address existing infrastructure condition and utilisation, and forecast background growth

This review, coupled with all the documentation submitted to both the MPE and MPW projects, place further doubt on the adequacy of the environmental impact assessments that have been conducted to this point. A new application for the MPE should be raised in conjunction with the completion of a precinct wide masterplan for both IMT facilities within Moorebank.

Yours sincerely,

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