

# EAST LIVERPOOL PROGRESS ASSOCIATION

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PO Box 47  
MOOREBANK NSW 1875

8th February 2019

## Submission to Mod of Consent (Mod1) SSD 7628

### Objection to Modification to Condition of Consent B141(f) Objection to Modification to Condition of Consent B13

#### Preamble:

The Moorebank Intermodal projects - Moorebank Precinct East (**MPE**) and Moorebank Precinct West (**MPW**) - stand as shameful developments for all concerned across government and business, and their reporting. They rose from political favour and disfavour pivoted on the presence of Mr. Chris Corrigan who founded the key proponent Qube Holdings. The flaws in his fly-over original assessment of the Moorebank location were compounded when the new Federal Labor Government in 2007 promoted the lands across the road from his ( to be - **MPE** ). These **MPW** lands stand between **MPE** and the rail freight line to Port Botany. Federal Labor (2007-13) withheld its Owner's Consent under NSW Planning Law thus denying **MPE** development. Their promotion of **MPW** seems to have been, in the absence of any evidence, solely based on the flawed subjective evaluation by Mr. Corrigan.

The Rudd Government expended \$78 million on a Detailed Business Case Study for **MPW**, yet there is no site evaluation that includes its major, costly flaw - Moorebank is river bound on three sides, it is bridge reliant and serves as the narrow traffic corridor for the entire south west, the Macarthur Growth Region, to travel east and near south. To its south, there are no roads for east-west travel for 25 kilometres with the presence of the 22,000 hectare Liverpool Military Area.

Moorebank's roads and bridges are at congestion.

Our observation of the various planning applications and modifications by the proponents is that they acknowledge the impossibility of the development succeeding as planned and costed. We note they attained the benefits of the Infrastructure Tax Loss Incentive in 2015-16 whereby the value of tax losses is uplifted into the future, and that the tax losses can be passed onto a buyer. We note that there has been application for the subdivision of the warehouse lands. Such activity may be deemed to be good management of infrastructure investment but they can be seen as the lack of confidence in the project that cannot escape its severe constraints.

The single most recognition of the site constraints over the nine years of the planning approval process is the placement of a 250,000 TEU throughput limit on both **MPE and MPW** developments. This major constraint is now clearly evident with the stalled negotiations on who will pay for the \$500+ million required for the "Moorebank Intermodal Local Road Upgrades" as exhibited in RMS projections. The NSW Government places it with the Commonwealth and Proponents.

We attach a letter sent recently to the NSW Minister for Planning concerning the application of the Planning Law in applying **s4.15 (1c)** - Evaluation ..Suitability of the Site - at later-stage DA's within Concept approvals (**s4.22**).

\*\*\*\* **End of Preamble** \*\*\*\*

### **Objection to Modification to Condition of Consent B141(f)**

The warehousing development in **MPE** is the land use closest to the residential neighbourhoods. The B141(f) condition is well founded with the development operating as an integral unit of the Intermodal.

The entire warehouse operation is subject to the **Limit of Consent - A12** : " The warehousing and distribution facilities must only be used for activities associated with freight using the **MPE** Stage 1 rail intermodal terminal. "

The defined Signage Sub Plan is specific to the use of Warehouses as defined by Limit of Consent - A12. It should not be changed.

If there was application to reverse Limit of Consent - A12, it would render the the project as not "substantially the same development" as that approved.

### **Objection to Modification to Condition of Consent B13**

This Condition relates to traffic management. This is the core matter in our responses across nine years in the form of submissions and presentations to the various proponents and planning entities; Qube, MICL, PAC, Dept Planning Senior Officers and the Planning Minister. We have traced the passage of frank and honest commentary and advice across the NSW Government Departments to find it diluted by the time of final publication.

The fault of all delays rest with the proponents (**SIMTA and MICL**) in not having addressed seriously the road constraints. Their continued argument has been that the roads will reach congestion point with background growth alone and therefore not their concern. This has been pure sophistry and as such should receive no favour.

The proponents lack substance in their appeal to the fact of the development's progress so as to justify the amendment of B13. The absence of final agreement on road works is at their feet. Their construction progress must not reign over their poor process as a justification. They have failed in their responsibility to render a solution to a major problem. Instead they seek to pass off it to taxpayer expense.

We note that Transport of NSW ( 10 June 2017) , in response to both **MPE** Stage 2 and **MPW** Stage 2 Eis , recommended that consent be in the form of the more restrictive "Deferred Consent" .. " requiring the proponent to finalise an agreement for State Road Network mitigation for ultimate concept plan development prior to Stage 2 construction or operation on the site".

This advice was diluted to the terms of CC B13. There must be no further dilution of conditions associated with the traffic management.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Byrne', with a long horizontal flourish extending to the right.

Michael Byrne  
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