NSW GOVERNMENT | Department of Primary Industries

OUT15/17009

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Dear Mr Beattie

Moorebank Intermodal Terminal (SSD_5066)
Comment on the Response to Submissions Report

I refer to your email dated 27 May to the Department of Primary Industries in respect to the above matter.

Comment by Fisheries NSW
Fisheries NSW has reviewed the Response to Submissions Report for this proposal in consideration of potential impacts to aquatic habitat and wishes to make the following comment:

- In designing future construction works, the proponent should consider that the Georges River is important key fish habitat in Southern Sydney and that large numbers of fish such as the Australian Bass are known to migrate pass this site. Maintenance of fish passage at all times in the Georges River will be required.
- Fisheries NSW supports the mitigation measures listed in Table 9.1 relating to Aquatic and Riparian Biodiversity (measure # 6: A,B,O,P,Z) and all water stormwater quality relate mitigation measures.

For further information please contact Carla Ganassin, Regional Assessment Officer, Fisheries NSW, Aquatic Ecosystems Unit on (02) 4222 8342 or at carla.ganassin@dpi.nsw.gov.au.

Comment by DPI Water

DPI Water has reviewed the Response to Submissions (RTS) and provides the following recommendations and detailed comments at **Attachment A** and recommended conditions of approval are included at **Attachment B**.

DPI Water recommends any inconsistencies between the RTS for SSD-5066, reports accompanying the RTS and the recently exhibited EIS for SSD- 6766 are resolved and where appropriate, Conditions of Consent are included to resolve and clarify any inconsistences.

For further information please contact Janne Grose on (02) 8838 7505 or at Janne.Grose@dpi.nsw.gov.au.

Yours sincerely

Kristian Holz
Director Policy, Legislation and Innovation

Attachment A

Moorebank Intermodal Terminal project (SSD-5066)
Comment on the Response to Submissions Report
Comments by DPI Water

DPI Water has reviewed the Response to Submission (RTS) for SSD-5066 and provides the following comments:

There are some inconsistencies between the RTS for SSD-5066 (dated May 2015), reports accompanying the RTS and the EIS for SSD- 6766 (dated May 2015). The inconsistencies need to be resolved, particularly as the PAC has advised that the Moorebank Intermodal Company (MIC) must be assessed to take into account the SIMTA proposal. Where it is considered appropriate, Conditions of Consent should be included to resolve/clarify any inconsistences between the two projects, for example:

- The EIS for SSD-6766 refers to a minimum 50 m wide riparian corridor along either side of the Georges River (see Section 14.1.1, page 298). This width is consistent with the Final Statement of Commitments for MP10-0193. Appendix B of the RTS notes MIC would be prepared to receive conditions of approval for a minimum 20 m corridor width.

  The minimum riparian corridor width to be established along the river needs to be resolved, particularly as:
  - the EIS for SSD-5066 indicates riparian land within 50 m of the river is considered of high value due to the function of vegetation in this area as a wildlife corridor (see Technical Paper 3, page 30)
  - the EIS for SSD-6766 indicates the riparian buffer 50 m either side of the river is considered to be a state significant biodiversity link (see Biodiversity Assessment Report, section 3.4, page 49).

  Reductions in the width will impact on riparian connectivity function. It is recommended a Condition of Approval is included which outlines the minimum width to be established along the Georges River. Figure 7.2 (Revised project layout at full build) in the RTS may need to be amended depending on the minimum width required to be established.

- The SSD-5066 EIS included inconsistent information in relation to the location of bridge piers and DPI Water sought clarification as to whether bridge piers would be located in the river. In response, Appendix B of the RTS states the bridge piles are proposed to be outside the Georges River channel bed. The EIS for SSD-6766, however indicates bridge piers are to be located in the river (see pages 258, 531, 532 in the EIS).

  Clarification is required as to whether bridge piers are proposed to be located in the river. If bridge piers must be located in the river, it is recommended a Condition of Consent is included which outlines:
  - the bridge design should minimise the number of piers located within the bed and banks of the river.

- Appendix C of the RTS refers to a revised southern access rail corridor being realigned to coincide with existing disturbed rail corridor (see Section 2.1, page 3) but Section 7.4.2 of the RTS states the southern rail access location and configuration has not changed since the EIS (page 174).

- Appendix C of the RTS notes the revised southern access rail corridor will result in a reduction in the impact to the Riparian and Alluvial vegetation by approximately 5 ha (see Section 2.1, page 3) whereas the RTS states the reduction in the impact to the Riparian and Alluvial vegetation will be approximately 4 ha (see pages 133 and 216). Table 7.12 in

the RTS indicates the reduction in impact will be 4 ha (page 217).

- The RTS indicates the southern rail corridor is to be narrowed from 60 m to 30 m near the river (see pages 133, 216). Section 2.1 in Appendix C of the RTS refers to a narrowing of the corridor from 60 to 25-30m (page 3) while Section 2.1.1 refers to a narrowing of the corridor from 60m to 40m (page 5). The EIS for SSD-6766, however outlines that a 20 m wide corridor would be maintained within ecologically sensitive areas including the Georges River riparian corridor (see pages 51, 459, 504).

  Section 2.1.2.3 in Appendix C of the RTS also refers to a maximum gap of 25-30 m but notes the bridge design would facilitate fauna movement (page 8). Management measure 6N in Table 9.1 of the RTS indicates that options for maintaining habitat connectivity would be investigated during detailed design phase of the bridge crossing and may include establishing native vegetation under the bridge (page 312). The establishment of native vegetation under the bridge is important to maintain and improve connectivity along the river. Adequate light and moisture will be required to penetrate under the bridge to enable native riparian vegetation to grow and to maintain connectivity.

  It is recommended the following Conditions of Consent are included which outline:
  - the rail link corridor will be no greater than 20 m wide in all ecologically sensitive areas including the Georges River riparian corridor

  - the bridge design will facilitate fauna movement. Adequate light and moisture are required to penetrate under the bridge structure to enable native riparian vegetation to grow to facilitate connectivity.

- The EIS for SSD-5066 shows the proposed southern rail crossing is proposed to be located over existing riparian forest vegetation on the western side of the river (Figure 13.4 in Volume 1a). DPI Water recommended if possible, consideration be given at the detailed design stage to locating the southern rail access corridor further west to avoid disturbing remnant vegetation. Appendix C of the RTS still shows the southern rail access location is partly located over remnant native vegetation adjacent to western side of the river (see Figure 3.2). In contrast, the EIS for SSD-6766, states the edge of the corridor on the eastern side of the rail link will be established at the edge of the embankment to the river so as not to disturb the existing riparian corridor (see Section 4.4.3, page 61). If it is not possible to relocate the rail link further west, it is recommended the area that is currently cleared of native vegetation on the west bank of the river adjacent to the rail link is revegetated to offset the loss of vegetation.

Georges River

Rail access crossing options:
The EIS for SSD-5066 presented three rail access crossing options: a northern, central and southern option while the SIMTA Intermodal Terminal proposal (SSD- 6766) proposed a southern rail access option. DPI Water in its submission on the EIS recommended that only one bridge crossing is constructed for the Moorebank IMT and SIMTA IMT proposals (and not two separate crossings) to assist mitigate potential impacts on the River and the riparian corridor.

The RTS for SSD-5066 indicates the Moorebank IMT and SIMTA IMT proposals were previously stand-alone projects but since exhibition of the EIS, an agreement has been reached between the MIC and SIMTA for an integrated precinct-wide intermodal facility. It confirms the southern rail access option is the preferred rail connection (see Section 1.5, page 14).

While the EIS for SSD- 6766 (dated May 2015) also indicates the MIC and SIMTA have reached an agreement to develop the two sites as a whole of precinct strategy, it notes the two projects are considered separate until the terms of the agreement are finalised.

As the terms of agreement have not yet been finalised, DPI Water agrees with the RTS that a condition of consent should be included to preclude the development of more than one rail link (see proposed Condition Z1, pages 21 and 22 in the RTS), especially as the RTS indicates that a decision has not been made as to whether SIMTA or Moorebank IMT will construct the rail access component (see pages 22 and 23 of RTS).

DPI Water recommended the rail access option that is adopted should cause the least disturbance to existing remnant riparian vegetation. Based on the information provided at Concept Stage this appeared to be the northern rail access option. In response, Appendix B of the RTS outlines that the southern rail access has been selected but it does not provide any additional details to compare the northern option and the revised southern rail access option and potential impacts on riparian vegetation. It notes the southern option has been adopted to minimise noise and visual impacts on residential receivers and to minimise flood risk to surrounding land (Section 10.3 of RTS page 349).

Riparian Corridor width

DPI Water in its submission on the EIS queried why the width of the conservation area/riparian corridor along the Georges River is based on the 1 in 100 year flood line and why consideration has not been given to the ecological value of the corridor and the protection of existing remnant riparian vegetation, particularly as the site forms part of an important wildlife corridor. Figure 7.2 in the RTS shows the conservation area has now been amended to extend beyond the 1% AEP flood level (page 173). Appendix B of the RTS indicates this increases the minimum width by 10m. While this improves the corridor width particularly along the northern section of the site, it is still narrow along the northern section, adjacent the OSD in the middle of the site and south of this OSD basin.

DPI Water sought clarification on the riparian widths that are proposed to be established along the river and recommended amending the project to increase the minimum riparian width along the river. The EIS included a number of figures with inconsistent corridor widths. Some of these figures presented much wider corridor widths along the northern section of the site.

As a minimum, DPI Water suggested in its submission on the EIS that the riparian corridor width should be at least consistent with DPI Water guidelines for controlled activities. The guidelines recommend a 40 m wide riparian corridor (measured from top of bank). In response, Appendix B of the RTS outlines that in the event that a 40 m wide riparian corridor cannot be achieved the averaging rule will be applied to achieve an average width of at least 40 m, with a minimum corridor width of 20 m at the narrowest point. Appendix B of the RTS notes MIC would be prepared to receive conditions of approval for a minimum 20 m corridor width.

The EIS for SSD-6766 refers to a minimum 50 m wide riparian corridor along either side of the river (see Section 14.1.1, page 298) and indicates the riparian buffer 50 m either side of the river is considered to be a state significant biodiversity link (see Biodiversity Assessment Report, section 3.4, page 49). This width is consistent with the Final Statement of Commitments (dated 12 June 2014) for the SIMTA Moorebank Intermodal Facility Concept Plan (MP10-0193). DPI Water recommended in its submission on the SIMTA EIS, that where the existing vegetation is less than 50m, the corridor is rehabilitated to a minimum width of 50 m to assist improve the value and function of the biodiversity link.

Depending on the minimum width required to be established at the site, the narrower sections along the Conservation Area/ riparian corridor as shown in Figure 7.2 of the RTS may need to be widened. It is noted the Indicative layout would be further developed and details would be provided as part of the Stage 2 SSD applications (Appendix B of RTS) but it is recommended the issue of the minimum riparian width is resolved as part of this project and a Condition of Approval is included to clarify the minimum width to be established.

The minimum width should be consistent with either the Final Statement of Commitments (dated 12 June 2014) for MP10-0193 (ie minimum of 50 m), or DPI Water guidelines for controlled activities (ie a minimum of 40 m), or other government agencies' requirements.

Rehabilitation of Riparian Corridor

Figure 8.1 in the RTS shows the proposed biodiversity offset areas, including those proposed along the Georges River (page 287). The Casula offset is located predominantly to the north of the southern rail link on the western side of the river. As the southern rail link extends along the western side of the River adjacent to remnant native vegetation, clarification is required as to why this area is not included to offset impacts and what this means in terms of protecting and rehabilitating this section of the riparian corridor. Appendix C of the RTS indicates the vegetation on the western bank within and adjacent to the Glenfield Waste Services is in poor condition and weed infested (page 15). It is recommended the SDD-5066 and SSD-6766 projects rehabilitate this section of the riparian corridor

Section 23.2.2 of the EIS indicates the 'dust bowl' would be revegetated as part of the conservation area (page 23-13) and Appendix C of the RTS notes this would create an additional area of Riparian Forest and/or Alluvial woodland vegetation (page 5) . While the rehabilitation of cleared areas within the corridor is strongly supported, it would be preferable for the project to retain and protect existing remnant riparian vegetation in the first instance.

Anzac Creek

The EIS for SSD-5066 indicates Anzac Creek would be removed and the flows are to be redirected through stormwater detention basins on the site (Technical Paper 3, Section 4.2.1.4, page 85). Figure 7.2 in the RTS shows development in this location rather than the rehabilitation of the creek and the riparian corridor.

DPI Water repeats that as the southern portion of the developed project site is to drain to Anzac Creek adequate mitigation measures need to be in place to ensure the creek downstream of the site is not degraded including bed and bank, stream flow, aquatic habitat, riparian vegetation, water quality etc.

Section 7.3.2 of the RTS indicates Moorebank Avenue may be required to be relocated most likely to the eastern boundary of the SIMTA site but notes any relocation is outside the scope of the MIC and SIMTA's current plans and would be subject to separate planning approvals (page 170). Any relocation of Moorebank Avenue to the eastern boundary of the SIMTA site needs to assess the potential impacts on Anzac Creek and the riparian corridor.

Amiens Wetland

DPI Water recommended that Amiens wetland is retained and rehabilitated on the site, if possible as the EIS for SSD-5066 indicates Amiens wetland is a natural lake basin and "*the lake is now the last remaining relatively unmodified basin from the local Georges River flood plain*" (Technical Paper 10, Volume 7, page 153). In response, Appendix B of the RTS notes Amiens wetland is an artificial structure.

As the RTS differs to the EIS as to whether the wetland is artificial, or a natural lake basin, it is recommended advice is obtained prior to approval from a qualified independent wetland expert to determine the significance of the wetland and whether it should be protected and retained as part of the project. Should the investigation show it is a natural wetland further assessment and monitoring may be required.

Aquatic Habitat

Section 5.5.3 of the RTS indicates detailed surveys of aquatic habitat would be undertaken in preparation of the Stage 2 SSD application (pages 77, 131). An aquatic habitat assessment is recommended to determine if the project is likely to have an adverse impact on the Georges River and Anzac Creek downstream of the site.

Monitoring of macroinvertebrate communities will assist identify changes in aquatic communities and help to minimise any potential impacts that may occur. Monitoring of macroinvertebrate communities should be undertaken prior to, during and following construction upstream and downstream of the proposed impact and reference locations.

Revised Management Measures

Management Measure 6E – should include:

- topsoil (and seedbank) is to be collected from native vegetation areas that are to be permanently cleared and used in the revegetation of riparian areas

- native plants in areas that are to be permanently cleared are to be relocated and transplanted in riparian areas identified for rehabilitation

Management Measure 6N - should also include light and moisture penetration under the bridge to encourage the growth of native riparian vegetation

Management Measure 6S – the long term program of weed removal and riparian restoration in the Georges River corridor should be undertaken for the operational life of the project

Management Measure 6Z requires a riparian restoration plan for the Georges River riparian zone and Casula offset area to be implemented which includes widening of the existing vegetation corridor where feasible. While the Management Plan for Restoration of the Riparian Zone of the Georges River includes an action to restore and revegetate the riparian zone to be consistent with and complementary to areas of remnant indigenous vegetation within the Georges River Corridor it does not include details on the riparian widths that are proposed to be restored along the river. Management Measure 6Z needs to identify and clarify if the riparian corridor equates to the Conservation Area which is shown on Figure 7.2 (Revised project layout at full build) in the RTS.

Some of the revised management measures refer to the Georges River 'bridges' rather than 'bridge' , for example 9E, 9F, 9I, it is suggested these measures are amended to only refer the design and building of one bridge.

It is recommended the following management measure is included for this project:

- ***ongoing monitoring of macroinvertebrate communities will be undertaken prior to, during and following construction upstream and downstream of the proposed impact and reference locations to assist identify any changes in aquatic communities***

End Attachment A

Attachment B

Moorebank Intermodal Terminal project (SSD-5066)
Comment on the Response to Submissions Report
Comments by DPI Water

DPI Water provides the following Recommended Conditions of Approval:

1 Only one bridge crossing over the Georges River is to be constructed for the SSD-5066 and SSD-6766 projects at a location that causes least impact to the river and the riparian corridor.

2 The bridge over the Georges River will be designed to facilitate riparian connectivity and fauna movement. The bridge design will:

- minimise the number of piers located within the bed and banks of the river
- be elevated and spans the full width of the riparian corridor to improve connectivity, protect existing remnant vegetation and facilitate vegetation regrowth
- incorporate provision for light and moisture penetration under the bridge structure to enable plant growth.

3 The minimum width of the riparian corridor to be protected and rehabilitated along either side of the Georges River within the project site and adjacent to the southern rail crossing will be consistent with the Final Statement of Commitments for MP10-0193

4 The riparian corridor is to be fully vegetated with native plant species from the relevant local vegetation community along either side of the Georges River within the project site and adjacent to the southern rail crossing

5 The riparian corridor/conservation area is to be zoned E2.

6 The design and location of the rail link corridor should minimise encroachment into the riparian corridor and the removal of existing remnant vegetation. The rail link corridor must be no greater than 20 m wide in all ecologically sensitive areas including the Georges River riparian corridor

7 A long term program of weed removal and riparian vegetation restoration will be undertaken for the operational life of the project.

8 A detailed survey of aquatic habitat must be undertaken in preparation of the Stage 2 SSD application and includes baseline aquatic monitoring, monitoring during and following construction to identify any changes in aquatic communities

9 A groundwater assessment report is to be prepared during detailed design to assess impacts of the project on groundwater and groundwater dependent ecosystems