

Submission on SIMTA MPW Stage 2 Proposal Appendix L Consultation Outcomes Report

I believe that the PAC needs to reject SIMTA's consultation as completely inadequate and pause the development application until they undertake genuine unbiased consultation seeking information from the community about their genuine concerns and responds by modifying their Stage 2 Proposal in significant ways that prevent the issues concerning residents, in good faith.

SIMTA have a legal obligation to genuinely consult with the community, they make positive statements such as "We look forward to working with the community to deliver this important project" (from their July Newsletter), however at no point have they genuinely consulted with the community as I shall outline below.

When I am sick, I have a consultation with my doctor. I make an appointment and go to her office and see her. That is an example of consultation.

SIMTA has put an advertisement in the newspaper and sent a newsletter, effectively inviting the community to consult with it. These measures have been demonstrated as completely ineffectual both in my submission, and by SIMTA's own account in Appendix L where they admit to having received no responses.

Background

SIMTA is seeking approval to develop a very large, very significant container terminal in Moorebank, surrounded by residential suburbs, with very obvious significant potential to impact its neighbours and the local area, such as environmental impacts, pollution, traffic and noise.

SIMTA has a legal obligation to consult with residents, to find out what concerns them and to address these concerns in their proposal.

Appendix L advises that the relevant SEAR states:

"During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.

In particular you must consult with the public, including community groups and adjoining and affected landowners.

The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where

amendments have not been made to address an issue, a short explanation should be provided.”

Amongst the list of REMMs (Revised Environmental Management Measures) is 2A, which says that a Community Engagement Plan should be prepared including a community liaison representative and scheduled meetings with a local representative body such as a community consultative (or liaison) committee. As far as I am aware, the legally required scheduled meetings with a representative body never occurred.

SIMTA’s own words, in Appendix L, clearly show that it has completely failed to meet this legal obligation. The PAC must not allow SIMTA to proceed with MPW Stage 2 until SIMTA undertakes meaningful consultation. Any reasonable understanding of meaningful consultation includes:

- actively engage the community,
- understand the issues concerning the community, and
- undertake to make changes to its proposal to ensure that the issues raised by residents are not going to impact them and their neighbours.

The “consultation” undertaken by SIMTA and described in Appendix L has clearly failed because no-one in the community responded and they made no effort to contact anyone from the community, an essential element considering they have such low credibility, arguably due to the fact that they are imposing a large, disruptive and unwelcome development a few hundred meters from thousands of residents.

Actively Engage the Community

In Section 2.1 SIMTA acknowledges that SIMTA should actively engage the community. The best practice principle they have adopted for the proposal is to “Develop effective, two-way communications with the community”. In fact, even this is much weaker than what is required by the SEAR which says “In particular you must **consult with** the public, including community groups and adjoining and affected landowners”.

At best, SIMTA has invited the community to consult with it and has done so in a manner that seems designed to ensure a minimal response.

In Section 3.2 SIMTA outline the “consultation” measures they have undertaken:

- A website that concerned residents could visit
- An email address that concerned residents could send a message to
- A 24-hour phone number that residents could call
- A postal address that residents could send a letter to
- A newspaper advertisement in the Daily Telegraph, in July 2016
- The making available of resources for one-to-one meetings
- Within the timeframe of the consultation period, a single newsletter, in July 2016

The newspaper advertisement and the newsletter invite the community to consult with SIMTA. As I will describe in the next few pages, the ineffectiveness of this invitation to consult was staggering but not surprising.

The remaining measures aren't so much consultations of any sort but mechanisms and resources should a consultation take place.

While not forgetting the point that SIMTA is legally obliged to consult with the community, I will now focus on the reasons that SIMTA's invitations to consult with it have been ineffective.

As a medium for reaching people, a newspaper advertisement is little more than a legal notification. Most people don't read Newspapers (the paper kind) and those that do, possibly don't read it every day and maybe don't necessarily read the advertisements. It is significant that SIMTA didn't think to place an advertisement in either of the two local papers, perhaps reaching some local residents at a fairly low cost.

SIMTA's mail out is flawed in a wide range of ways.

Distribution

In Section 3.2, SIMTA advise that their newsletter was "provided to approximately 10,000 households in the suburbs surrounding the MPW site"

In fact, they "provided" the newsletter by means of a letterbox drop, which is a flawed approach.

As a letterbox drop, they have no way of knowing how many were delivered. Their letter box drop agents may have been very diligent, or some of them may have dumped half of their newsletters in the first bin they came to. SIMTA provided no data on the number successfully delivered to letterboxes.

As unaddressed mail, many of the newsletters may have been mixed up with the other promotional materials that arrived in letterboxes that day and residents may have mistakenly recycled them not realising they were throwing away potentially life changing materials. SIMTA provided no measures or estimates of the number of newsletters actually received or read.

Perhaps more important than the mechanism of delivery, is the very worrying issue of how many of what the SEAR describes as "adjoining and affected landowners" were not even included in the letter box drop.

One very significant category is of course the owners of investment properties, who very likely don't live in the same suburb as their investment. Worryingly, such owners may be more sensitive than others to falling property prices since they may be highly leveraged.

In Section 5.3, SIMTA shows the distribution area of the newsletter. This map very clearly shows several other groups of "adjoining and affected landowners" clearly not consulted in any way.

Intriguingly, SIMTA has excluded the residential areas of Moorebank, the same suburb that it is proposing to locate in, including those between Heathcote Rd and Moorebank Ave, which it measures as only 630m from the MPW site in Section 1.2. This is despite Moorebank Ave being identified by SIMTA as the primary exit route for trucks.

None of the Glenfield residents were notified, despite them expecting to receive truck traffic along Cambridge Ave and being potentially exposed to chemical pollution in the Georges River.

None of the residents who may be affected by trucks travelling towards industrial areas near Parramatta, such as residents along Nuwarra Rd, Governor Macquarie Drive and Henry Lawson Drive were contacted.

No consultation of any kind was directed toward the residents in the Campbelltown, Camden and Hoxton Park areas, who may be impacted by the significant level of truck traffic anticipated by SIMTA on the already “at capacity” M5 bridge over the Georges River at Casula.

Similarly, the Liverpool residents living near the Hume Highway or depending on it for their daily commute received no advice from SIMTA that the extremely high level of traffic and traffic accidents on the Hume Highway may be significantly worsened by the MPW proposal.

Since SIMTA identified this project as a state significant development with regional significance they would surely recognise that a distribution significantly wider than a letter box drop to just the two worst affected suburbs would be essential.

Layout and Content

Since the primary vehicle of SIMTA’s “consultation” is the newsletter, it is appropriate to consider how effective it is in its communication. The layout and content of the newsletter seem as if they were designed to avoid people reading it deeply enough to find the few nuggets of truth that they may wish to express concern about.

The following diagram maps the content of the newsletter. The areas shaded green highlight background, context and branding that don’t relate to the current proposal. The areas shaded blue highlight areas related to the current proposal, but only giving information that is uncontroversial or un-concerning. The areas highlighted in orange show the very few areas where controversial material is mentioned.

Submission on SIMTA MPW Stage 2 Proposal Appendix L Consultation Outcomes Report

Andrew McDonald

SIMTA JULY 2016

COMMUNITY NEWS UPDATE

We are writing to update you about the next steps in the development of the Moorebank Intermodal Terminal Precinct.

As you may know, in June 2015 the Commonwealth Government approved an agreement where SIMTA will develop and operate the intermodal terminal precinct at Moorebank. The Planning Assessment Commission (PAC) has now approved both the SIMTA and Moorebank Intermodal Company (MIC) Concept Plan Applications for the Precinct.

These approvals mean that early works will soon begin. The works include the demolition of buildings, removal of underground storage tanks, remediation of contaminated lands, assessment and protection of heritage items, and the establishment of construction facilities and site security.

This work will be undertaken in line with the recent MPW Concept Plan Early Works approval with the former Defence land, and will start in early-end August 2016.

Alongside these works, there are also subsequent planning applications underway where we are seeking your feedback. These cover both the SIMTA site, now known as Moorebank Precinct East, or MPE, and the MIC site, now known as Moorebank Precinct West, or MPW.

To give you an overview of how the project is progressing, a table showing the current status of applications is opposite. Details about how you can get further information or lodge submissions are also provided on page 3.

As the project continues, we will keep communicating clearly and accurately with the local community so any concerns you may have are heard and considered as part of the development. There are also strict conditions of consent and independent monitoring processes imposed by the Department of Planning & Environment (DPE) to ensure the issues already raised by the community are mitigated and properly managed.

The relaunched SIMTA website (www.simta.com.au) will remain an important source of information and point of contact for you throughout this period. It will be updated regularly to keep you informed. We look forward to working with the community to deliver this important project.

OVERVIEW OF PROJECT PROGRESS

DETERMINED APPLICATIONS

- SIMTA (now MPE) Concept Plan (approved by PAC on 29 September 2014)
- MIC (now MPW) Concept Plan (approved by PAC on 3 June 2016)

APPLICATIONS BEING ASSESSED

- SIMTA (now MPE) Stage 1 (awaiting final PEO determination)

APPLICATIONS OPEN FOR CONSULTATION

- MPW Modification Application (submitted by SIMTA to DPE and on exhibition from 7 July to 22 August 2016)
- MPW Stage 2 (SEARs issued by DPE and EIS being developed by SIMTA)

APPLICATIONS WITH UPCOMING CONSULTATION

- MPE Stage 2 (SEARs issued by DPE and EIS being developed by SIMTA)

KEY BENEFITS

The Moorebank Intermodal Terminal will:

- Help respond to the large increase in freight on the NSW transport network forecast for the coming years
- Create more than 7000 jobs
- Reduce reliance on road freight into South-West Sydney
- Reduce heavy truck movements on Sydney's roads by transferring freight from road to rail
- Timely freight responses to deliver savings to businesses and consumers

Moorebank intermodal terminal precinct

COMMUNITY NEWS UPDATE JULY 2016

Determined applications

MPE Concept Plan

On 29 September 2014, the NSW Planning Assessment Commission (PAC) approved SIMTA's Concept Plan for an intermodal freight terminal including rail link to the Southern Sydney Freight Line (SSFL), warehousing and distribution facilities, and supporting infrastructure.

MPW Concept Plan

On 3 June 2016, the NSW PAC approved MIC's State Significant Development Application which included a concept proposal for an intermodal freight terminal, rail link to the South Sydney Freight Line, warehousing and distribution facilities, associated infrastructure and approval to carry out certain early works on the site.

Applications being assessed

MPE Stage 1

We have now completed consultation on the Stage 1 application for Moorebank Precinct East which includes the IMEX terminal and rail link. We have submitted our application, which includes a Submissions Report detailing the feedback we received, to DPE. The Department has recommended approval subject to conditions, and we are awaiting the final determination from PAC. Further details will be placed on the SIMTA website when they become available.

Applications open for consultation

MPW Early Works Modification Application

SIMTA recently submitted a Modification Application seeking to amend the MPW SSD Concept Plan Approval to allow the Early Works to include the import of clean fill material to be brought to the site. This fill is required to prepare the site for construction. The Application also seeks approval to crush and screen material on site.

The imported clean fill comprises excavated sandstone from other Sydney Infrastructure projects which are under construction. A large proportion of the fill is already being transported in trucks travelling through the Liverpool area on their way to other further west. The Application seeks to reduce the impact of importing the required fill by having it brought directly to Moorebank in that one journey rather than the 200km on further west and be stockpiled with a possible second trip required to bring the material back to the Moorebank site.

SIMTA is also seeking a temporary extension to the hours within which the fill can be delivered to the Moorebank site to align with the timing of this material leaving from other infrastructure projects. The extended operating hours (from 6am – 10pm weekdays and 7am – 8pm on Saturdays) would allow the truck movements to be spread out across the day making better use of the road network and minimising any traffic impacts during peak hours.

The Application has been placed on exhibition by the DPE for public comment. To view the proposal and make a submission, visit www.planning.nsw.gov.au/enr/Application/SSD/1467722/9550508 by 22 August 2016.

MPW Stage 2 Consultation

SIMTA is preparing a SSD Application for Stage 2 of the MPW Concept Plan Approval (SSD 5058, MPW Stage 2 Site Proposal) is located on the western side of Moorebank Avenue. This is the next step in the construction and operation of the Moorebank Intermodal Terminal Precinct.

The Proposal involves the construction and operation of an intermodal terminal facility with capacity of 500,000 TEU per annum, up to 250,000sqm of warehousing and associated infrastructure including an extension to the rail link proposed for construction as part of MPE Stage 1, and upgrading part of Moorebank Ave to allow an entry and exit point for the development.

As laid out in the planning process overview, we have lodged a Preliminary Environmental Assessment (PEA) with DPE, security seeking Sydney's Environmental Assessment Requirements (SEARs). We are currently preparing an Environmental Impact Statement (EIS), including detailed technical studies responding to the SEARs, expected to be lodged with DPE in October 2016.

The PEA covers the impacts and mitigation measures of the project across the following areas:

- Traffic and transport
- Noise and vibration
- Air quality
- Biodiversity
- Stormwater and flooding
- Soil and contamination
- Aboriginal heritage
- Non-Indigenous heritage
- Visual amenity, urban design
- Records and risk
- Green House Gas emissions
- Human Health
- Other environmental issues

You can review the PEA document on the DPE website, or visit our own website, details of which are below. We want to hear your comments on MPW Stage 2 SSD Application before submitting the EIS to the DPE so your views can be considered in the planning process. The deadline for submissions is 21st August 2016.

To provide feedback:

- Find more information and submit feedback on pea.simta.com.au
- Email your submission to pea@simta.com.au
- Request a meeting with the project team to discuss your feedback in person
- Phone the free information line on 1800 966 465

COMMUNITY NEWS UPDATE JULY 2016

SIMTA

Applications with upcoming consultation

MPE Stage 2

SIMTA is preparing a SSD Application for Stage 2 of the MPE Concept Plan Approval. MPE Stage 2 is located on the eastern side of Moorebank Avenue. This is the next step in the construction and operation of the Moorebank Intermodal Terminal Precinct.

We have lodged a Preliminary Environmental Assessment (PEA) with DPE and Sydney's Environmental Assessment Requirements (SEARs) have been received. We will provide more details of this application in the next newsletter, including how the community can provide feedback.

Planning process

Step	Activity	Notes
Step 1	Lodgement of request for SEARs	Request for Secretary's Environmental Assessment Requirements (SEARs) lodged with the NSW Department of Planning and Environment (DPE)
Step 2	SEARs issued	DPE issues SEARs for the Proposal WE ARE HERE (some detail a)
Step 3	Preparation of Environmental Impact Statement (EIS)	SIMTA prepares EIS including detailed environmental studies for the Proposal
Step 4	Lodge State Significant Development (SSD) EIS / Modification Report	SIMTA lodges the SSD EIS / Modification Report with DPE
Step 5	DPE Review	DPE makes a decision on whether the Proposal's EIS / Modification Report can be placed on public exhibition
Step 6	Public exhibition	Public exhibition of the Proposal's EIS / Modification Report for public submission WE ARE HERE (some detail a) (some detail a) (some detail a)
Step 7	Response to submissions	SIMTA responds to submissions received during public exhibition and lodges a Submissions Report with DPE
Step 8	Assessment by NSW DPE	Assessment of the Proposal's EIS / Modification Report by DPE
Step 9	Determination of SSD / Modification	Determination is placed on the DPE website and SIMTA, as well as all people who lodged written submissions, are notified of the determination
Step 10	Preparation of a Modification Report of the approved SSD	SIMTA prepares a Modification Report to the approved SSD as required

Contact Us

Please visit our website www.simta.com.au for more information.

For specific questions, please call 1800 966 465 or send written enquiries or feedback to pea@simta.com.au. PO Box 1458 Bondi Junction NSW 2022

COMMUNITY NEWS UPDATE JULY 2016

Note how little space is devoted to issues that may be of concern to residents (orange) and how far into the newsletter this content is buried.

In terms of the content, the orange areas cover:

- Onsite crushing for early works
- Extension of hours for delivery of fill for early works

- A list of the topics covered in the Preliminary Environmental Assessment for the MPW Stage 2 proposal

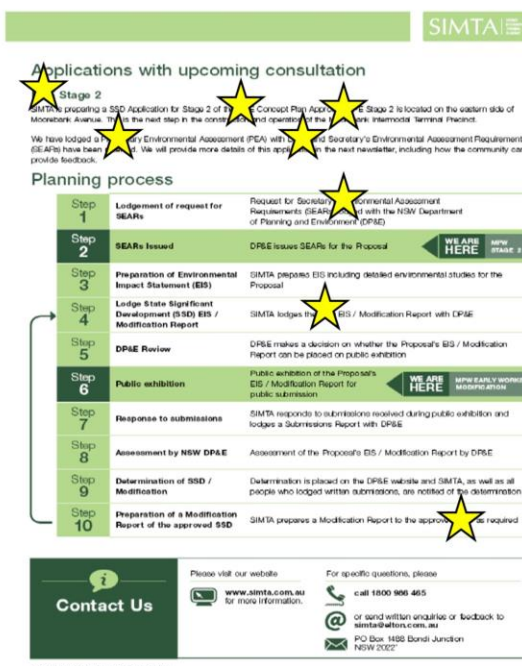
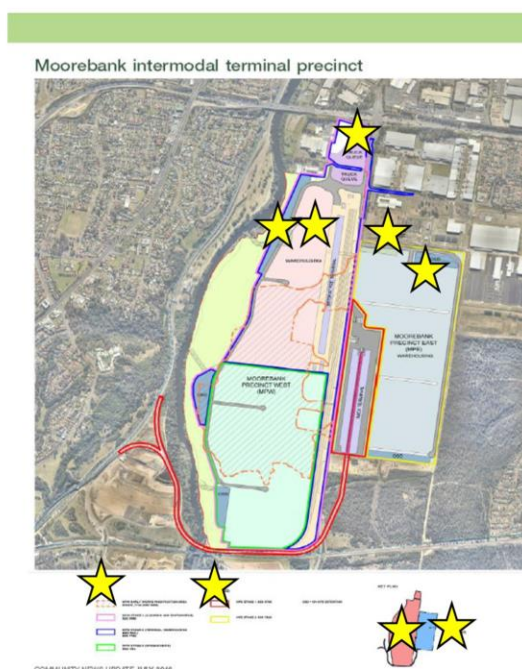
Careful analysis of this list shows that it focusses in part on the Early Works Modification which is not the matter that this newsletter is supposed to constitute “consultation” for. Further there are several Early Works issues that can be expected to concern residents that aren’t even mentioned even this deep into the newsletter, including:

- A massive increase in the volume of fill
- Extension of the hours when crushing would take place

While there is a reasonably comprehensive list of topics covered in the MPW Stage 2 documentation, SIMTA did not explain any of the issues likely to impact residents, so given that SIMTA has a legal obligation to consult with residents, it has watered this obligation down to a newsletter distributed to just two suburbs, that mentions the existence of documents without mentioning the issues residents might be concerned about, just giving the topics that are discussed, while assuring residents that they cover the “impacts and mitigation measures” along with an invitation contact SIMTA.

In other words, SIMTA consulting with you involves them maybe sending you a newsletter, you downloading and reading thousands of pages of documentation and then ringing them or sending a letter. No ordinary person’s understanding of consultation would include that.

Another matter of great concern is the heavy use of jargon, industry terms, specialised terms related to the planning process and so on. This content is understandable if SIMTA wants to communicate with planners or PAC, but if their intent were to genuinely engage with residents, they would make much greater use of plain language, so that ordinary people could understand and respond. The graphic below shows the prevalence of such terms with each mention of an unfamiliar planning term, an unexplained piece of jargon or an acronym that doesn’t have an explanation immediately preceding it marked with a yellow star:



Clearly there are too many confusing elements in this Community News Update to make it readable by people outside the planning industry.

Accuracy of Claims

Of course, one key aspect of consultation is openness and honesty. SIMTA persists in making statements that are disputed or are widely regarded as inaccurate. This significantly diminishes any inclination that community members might have to respond to its mild overtures.

A community consultation along the lines of “We understand this is a large development that will have an impact on the lives of residents and we want to make sure that is minimised, please talk to us” would have had a better response, but SIMTA persists in replaying messages that are discredited or disputed. Here are some examples:

In the Key Benefits section, they talk about reducing Heavy Truck movements by transferring freight from road to rail. I think everyone in the community understands how inaccurate this is. As a line of reasoning it is flawed. Clearly at best it would move traffic from Botany to Moorebank, transferring a problem from the Eastern Suburbs to the Western Suburbs, and I believe this is how most residents perceive this project. More likely the project simply increases the capacity of Port Botany enabling an increase in truck traffic on Sydney’s roads, not a decrease. In either case, the promised reduction in Heavy Truck movements is not credible.

In the section entitled MPW Early Works Modification Application the document mentions extended hours as part of the modification SIMTA is seeking but they fail to mention the proposed massive increase in fill quantity – a radical increase in the impact on residents both because the hundreds of extra trucks clogging roads and the fact that it puts the MPW development on average 50cm higher in the air, causing operational noise to travel further.

Is this really consultation?

The manifest ineffectiveness of SIMTA’s “consultation” is highlighted in Section 3.1, where SIMTA advises that “no issues were raised during the consultation phase”. This is restated in Section 3.4 where they say “no submissions were received”.

Recognising the serious concerns expressed by the community at prior PAC meetings and public meetings and the many objections submitted for previous proposals including the 379 submissions to the Early Works modification, SIMTA should have been alarmed by the lack of responses and should have immediately realised that they had completely failed to consult as they were legally obliged to do.

Instead they concluded “whilst the community have not demonstrated explicit support for the Proposal, neither have they objected to it”. It is very hard to read this without becoming distressed. The residents have consistently voiced a wide range of serious concerns about the viability of the project, its ability to deliver the benefits it purports to provide, its impact on residents’ peaceful enjoyment of their properties, its impact on the already congested local traffic and the already congested M5, its impact on the environment and the noise and light spill it will produce.

At the same time as residents were not calling the SIMTA 24-hour phone number they were lodging 379 objections raising concerns about the Early Works Modification Proposal. SIMTA note that “A lack of vocal objection or support has been a consistent feature of the project”, but this is observably

untrue. The PAC will recall the number of residents that have attended or have given evidence at its hearings. If SIMTA takes the concerns of residents at all seriously, it cannot be unaware of these presentations or the many written objections.

Concluding that residents neither support nor object to the project as SIMTA has in Section 3.4 is an entirely unsupportable conclusion based on resident's lack of response to SIMTA's ineffective "consultation". The residents clearly object and a lack of response to SIMTA's invitation to consult shows that SIMTA has simply not consulted with the community.

Summary

It is clear that SIMTA neither understands the issues facing the community, nor does it care to develop an understanding. It is undertaking consultation not in an open way to collaborate with residents work out how to develop its massive infrastructure without impacting them but doing the absolute minimum to be able to tick a box in the planning process and as a result it has failed in its legal obligation as outlined in the SEAR.

It looks like SIMTA deliberately suppressed feedback. It is of course impossible to know what they were thinking, but if a project wanted to suppress feedback, they couldn't have been more effective than SIMTA was, given that not one resident responded to their feeble invitation to consult.

Most importantly, at no point did SIMTA make it clear to the community that not responding could be spun to imply tacit approval of their project.

Residents need the PAC to protect them by enforcing the SEAR, by ensuring that SIMTA genuinely consults and that it makes a genuine effort to deal with the issues affecting residents and that SIMTA doesn't simply give bland assurances and move on as residents feel has happened so many times already.