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Department of Planning and Environment
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Attention: Alix Carpenter

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Dear Alix,

MOOREBANK PRECINCT EAST – CONCEPT PLAN MOD 2 - RESPONSE TO SUBMISSIONS REVIEW

The Sydney Intermodal Terminal Alliance (SIMTA) obtained Concept Approval (MP 10_0913) for the Moorebank Precinct East (MPE) on 29 Sep 2014. Since this approval two modifications to the concept plan have been lodged with the Department of Planning and Environment (DP&E). The first was determined on 12 Dec 16, associated with transport provision. The second Modification was lodged in conjunction with the Environmental Impact Statement (EIS) for the MPE Stage 2 works (SSD 7628) and is the subject of this letter.

The modifications to the MPE Concept Plan were detailed within the EIS (Arcadis 2016) titled *Moorebank Precinct East – Concept Plan Modification 2* (MPE Mod 2 EIS). The modifications to the Concept Plan are proposed to enable works associated with Stage 2 of the MPE site and comprise the following:

- > Extension of the land within the MPE Concept Plan boundary to include the proposed works to Moorebank Avenue and drainage works to the south and east of the site
- > Upgrade to Moorebank Avenue from the northern to the southern extent of the MPE site.
- > Provision of an interim MPE site access
- > Reconfiguration of the internal road network within the MPE site
- > Importation of 600,000m³ of general clean fill
- > Change of location and land uses within the freight village
- > Changes to staging of development
- > Subdivision of the MPE site

Cardno on behalf of Liverpool City Council (Council), along with a range of other parties made submissions to the MPE Mod 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 – Concept Plan Modification 2 : Response to Submissions SSD 16_7628 MOD2* (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 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
- > Property and Infrastructure

These environmental aspects are discussed in the tables below.

Legislation

RtS ID	Assessment of Adequacy / Further Comments
LCC-1	<p>Some ambiguity remains about the efficacy of the environmental impacts associated with Traffic to satisfactorily meet the test set within <i>Barrick Australia Ltd v Williams [2009] NSWCA 275</i>. Specifically, test 2 requires that the proposed modification must have 'limited environmental consequences beyond those which had been the subject of assessment. The lack of back of queue data within the RtS document places significant doubt as to the extent of traffic impact that will result for the proposed modifications, especially associated with traffic movements along the M5.</p> <p>Approval of this modification should not proceed until 'limited environmental consequence' can be demonstrated regarding traffic.</p>

Traffic

RtS ID	Assessment of Adequacy / Further Comments
LCC-2, LCC-3	Clarification is sought as to whether the proposed interim access point would be converted to a permanent access point if agreement is not reached for shared access with DJLU.
LCC-4, LCC-5, LCC-8, LCC-9	<p>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 by Acardis in the RtS document "<i>upstream/downstream queuing impacts at intersections were examined in the AIMSUN and SIDRA model and considered in determining the appropriate mitigation measures</i>".</p> <p>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.</p>
LCC-10	Whilst the difference between results in the OTTIA and CTIA can be explained via the difference in the modelling software employed, it is not clear why the 2019 forecast LoS in the OTTIA (Table 4-2) are better than that for the existing 2015 LoS results (Table 3-3), considering that the 2019 results include increased peak hour traffic volumes. Further clarification of this apparent anomaly is requested.
LCC-11	<p>It is agreed that "<i>an area wide network improvement strategy is needed to provide the desired functionality of the network of motorways, arterials, collector and local roads in the study area is achieved and provide safe and efficient traffic dispersal</i>", and it is requested that this requirement be incorporated with the project approvals, prior to the commencement of construction to allow for any required modifications to the design of the MPE and MPW facilities as a result of this improvement strategy.</p> <p>It is also requested that such a strategy be based upon an independent review of the required infrastructure upgrades within the study area to facilitate the MPE and MPW developments.</p>

Noise

RtS ID	Assessment of Adequacy / Further Comments
LCC-13	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-14	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-18	<p>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 the proposed facilities, due consideration and assessment should be given to the potential for tonal, low frequency and intermittent noise sources.</p> <p>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 "<i>no modifying factors are considered necessary to assess low frequency noise, or any other annoying characteristic, in the operational noise levels from the site</i>".</p>
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Soils

RtS ID	Assessment of Adequacy / Further Comments
LCC-31	It is considered that at a minimum the report should reference the location of the list of historical contamination investigations. Currently the Concept Plan Modification report provides little context regarding the extent of assessment.
LCC-34	<p>It is noted that imported fill will satisfy the physical and chemical requirements of VENM, ENM and other material as per the NSW EPA's resource recovery orders and exemptions.</p> <p>The Concept Plan Modification report should 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.</p>
LCC-35	The approach proposed by the RtS document is considered acceptable.
LCC-37	<p>It is noted that imported fill will satisfy the physical and chemical requirements of VENM, ENM and other material as per the NSW EPA's resource recovery orders and exemptions.</p> <p>The Concept Plan Modification report should 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.</p>

Summary

The review of the MPE Mod 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 modifications to the Concept Plan for the 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.

This review of the RtS document has highlighted concerns surrounding the inadequacy of the assessments undertaken for Traffic impacts associated with the extra traffic generated by the proposed modifications detailed within this modification to the Concept Plan. Specifically, back of queue data remains unknown with this aspects impact of the surrounding road network (especially the M5) unassessed. Further mitigation measures are recommended to ensure that noise impacts do not occur within Wattle Grove and other surrounding residential areas as detailed within the noise assessment accompanying the MPE Mod 2 EIS. Lastly, more detail is required as to the method of governance of fill importation including quality assurance and quality control measures for the clean general fill proposed to be imported for the site.

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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