

No Port Enfield Community Group

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Diane Fajmon
Department of Planning and Infrastructure

Submitted electronically

RE: Enfield Intermodal Logistics Centre MP 05_0147 Modification 5 Re-Use of Unsuitable Engineering Fill onsite

The No Port Enfield Community Group (NoPE) makes the following submission in relation to the Enfield Intermodal Logistics Centre (EILC) Modification 5 Re-Use of Unsuitable Engineering Fill onsite. Having read the publicly exhibited documentation regarding the proposal NoPE **objects to the present modification request.**

The No Port Enfield Community Group opposed the 2005 EILC proposal and the previous 2001 Sydney Ports Corporation proposal for the site. Members of NoPE also opposed the National Rail proposal for the site in the early 1990's.

The author of this submission is a member of the EILC Community Liaison Committee and a member of the EILC Community Enhancement Program Committee (for Strathfield Council area). This submission is made on behalf of the NoPE group.

At Meeting Number 8 on 4 May 2011 the Community Liaison Committee was given an overview presentation of the present Modification proposal. The CLC expressed general approval for the proposal for adding fill to the stockpile at the southern end of the site known as 'Mount Enfield' with the proviso that dust and frog issues are adequately addressed.

NoPE believes that the Modification 5 request documentation prepared by Sydney Ports Corporation and on public exhibition has -

- **failed to address issues regarding the Green and Golden Bell Frog.**
- **not adequately addressed dust issues.**

NoPE is also concerned with the following:

- The Modification 5 request proposal is a huge alteration to the original proposal in relation to the Ecological and Community area at the southern end of the site, and **should be subject to a new and separate development application**, rather than being the subject of a modification request.
- The huge alterations to the initial proposal in relation to frog habitat area and the recent discovery of a colony of Green and Golden Bell Frogs east of the EILC site make the EILC site's functionality as GGBF habitat and movement corridor absolutely critical in maintaining the local population of this threatened species.

NoPE believes that the extensive nature of the proposed modifications and the recently discovered frogs combine to trigger the Environmental Protection and Biodiversity Conservation Act and that the **proposed works should be a 'controlled action' under the EPBC Act.**

- The **proposal was ‘sold’ to the community with the promise of a substantial ecological and community area** at the south of the site (the entire area south of Cox’s Creek) that would comprise revegetation of the *existing* stockpile, and habitat for the threatened Green and Golden Bell Frog, and would otherwise **remain untouched by the EILC development**.
- The **size and extent of the Ecological and Community area has been continually downsized and modified through the project application, approval process and modification proposals**. In particular the area and extent of Green and Golden Bell Frog habitat and its potential functionality as foraging and overwintering habitat, and movement corridor, has been downgraded since the initial project application by successive modifications.
- Despite being called an Ecological and Community area, it remains unclear as to what use the community will have of the area.
- Sydney Ports Corporation is proposing the rezoning of the site to from Special Uses Railway to Industrial. This is being undertaken outside the ambit of this modification request but has bearing on the present proposals. Any such rezoning is not supported by NoPE. Any rezoning of the Community and Ecological Area (the whole area south of Cox’s Creek) should reflect its value in perpetuity as habitat for the threatened Green and Golden Bell Frog, and its community use.

Green and Golden Bell Frog.

The Green and Golden Bell Frog, is an endangered species in NSW, and vulnerable under the EPBC Act. It is known from the local area around the EILC and parts of the EILC site have historically provided GGBF foraging and movement habitat. The Management Plan for the Green and Golden Bell Frog Key population at Greenacre (DECC NSW, 2007) as the local population is known, concludes that “the Greenacre population is critically endangered.”

NoPE is aware of the ILC – E – REP – FMP Rev 4 Green and Golden Bell Frog Management Plan, and that a Sydney Ports contractor is constructing a *Frog Creation* Habitat Area (refer 3.2.4 Flora and Fauna, although we assume they meant a Frog Habitat Creation Area)

The Modification 5 proposal refers to studies undertaken for the EILC development in 2005. It further states that frog surveys on the site in 2001, 2004, 2008 and 2011 failed to locate any GGBF’s on the EILC site.

However, the Modification 5 proposal fails to mention the recent and very important discovery of a colony of GGBF’s to the east of the site. (Refer Dr Ann Goethe, Senior Threatened Species Officer, Office of Environment and Heritage). NoPE understands that Sydney Ports Corporation are aware of the recent sightings.

The recently discovered existence of GGBF’s east of the EILC means it is **absolutely critical that an east west movement corridor is maintained at all times for potential frog movements between the eastern population and the population west of the EILC site** in the former Greenacre Brickpit (now Hannas industrial site) and Cox’s Creek Reserve.

Modification 5 would be a substantial alteration to the initial EILC proposal. In particular the modification request would significantly alter the southern area of the site with **negative impacts on foraging and sheltering habitat, presently found on Mt Enfield and surrounding area**. NoPE believes that the whole of the southern area of the site is potential GGBF habitat and that the poor and degraded vegetation and shelter provided by the existing Mt Enfield is also important potential GGBF habitat.

The Modification 5 request would also **effectively sever the critically important east-west frog movement corridor by the placement of a north-south haulage road and the movement of large earth moving trucks from the north of the site to the Mt Enfield stockpile**.

The Modification 5 request proposes an 18 month construction period for the works, followed by landscaping and presumably revegetation of the Mt Enfield stockpile. If approved, this would mean that the presently existing vegetative habitat would not be replanted for two summer periods (2011 - 2012 summer an 2012 - 2013 summer). Summer is the time of year when most recent sightings of GGBF have occurred and the time when frogs are active. As the frog habitat north of Mt Enfield and south of Cox's Creek is presently under construction, this would effectively leave little or no vegetative frog habitat in most of the southern area for some period of time, at least until the end of main construction on the rest of the site. Again, the recent discovery of an eastern population of GGBF makes the existing habitat on the EILC critically important on maintaining linkages between the Brickpit ponds and the new population. The present Frog Management Plan does not plan to have permanent frog habitat in place until the end of main construction:

NoPE believes that the recent discovery of the new eastern population together with the substantial alterations proposed by Modification 5 in combination are of such significance to the threatened GGBF that the proposed works should be considered a 'controlled action' under the EPBC Act.

Additionally the current Frog Management Plan for the site requires significant revision to take into account the new circumstances and most importantly, to provide that frog foraging and sheltering habitat, and safe and effective frog movement corridors be in place before any earthworks take place on the southern end of the site including placement of the fill proposed by this Modification 5 proposal.

Furthermore, the previous Modification 4 has approved an access road at the southern end of the site for use by the Australian Rail Track Corporation, that acts to fragment the habitat linkages and further erodes the area of frog habitat.

Other aspects of the present proposal that may impact on the frog population include stormwater runoff and sedimentation, and dust deposition on frog foraging habitat.

Dust issues

Despite the air quality impact assessment exhibited with Modification 5 proposal, members of NoPE remain unconvinced that the proposal would not have negative air quality impacts.

NoPE is concerned that previous soil contamination tests conducted on the EILC showed levels that fell close to, or over acceptable levels of contaminants. However NoPE is of the view that once contaminated soil is disturbed and particulates become airborne, the levels of contaminants become a human health issue.

Residents of this area feel that the rate of dust deposition is above average in this area. While onsite construction has apparently not presented dust issues to date, it is worthwhile to note that during this period above average rainfall has been received and that may have skewed any findings or conclusions.

Size and extent of the Ecological and Community Area.

The size and extent of the Ecological and Community area has been continually downsized and modified through the project application, approval process and modification proposals. In particular the area and extent of Green and Golden Bell Frog habitat and its potential functionality as foraging and overwintering habitat, and movement corridor, has been downgraded since the initial project application by successive modifications.

As detailed below the Ecological and Community area went from being described by DECCW as eight hectares, to six hectares in Sydney Ports Community newsletters, to five hectares in the actual EILC project application, to two hectares of 'Foraging habitat' in the project approval.

NoPE is concerned at the apparent shrinkage of the area and would like to see the Ecological and Community area defined and described clearly and definitively, instead of it being eroded by the slice and dice method.

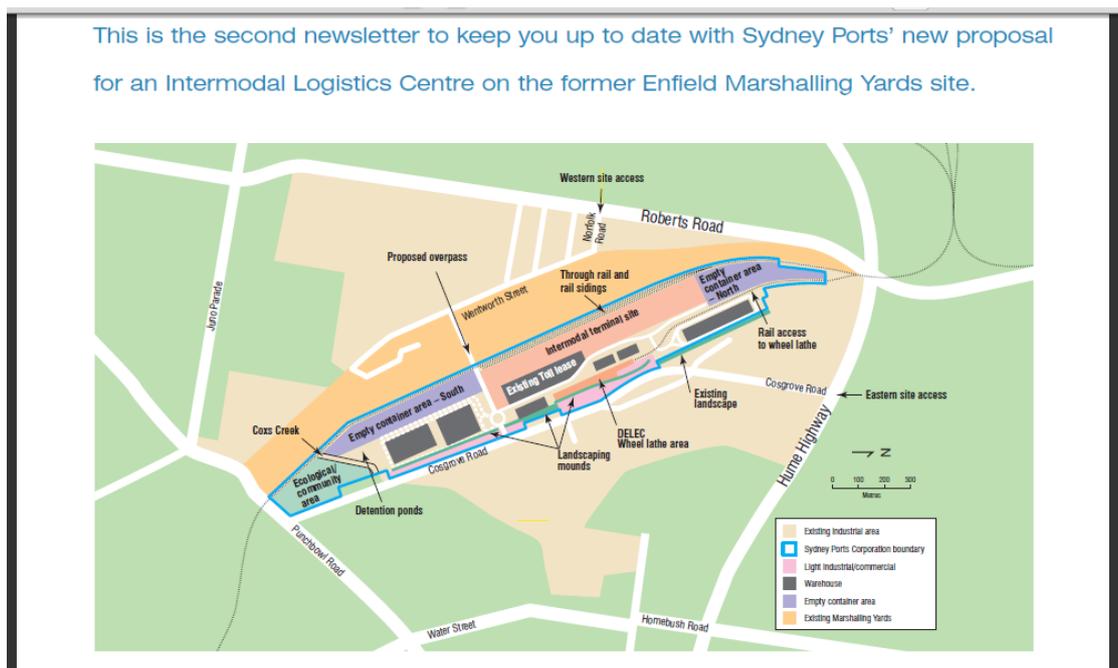
History of the “Ecological and Community area”:

The Management Plan for the Green and Golden Bell Frog Key population at Greenacre (DECC NSW, 2007) states:

The ILC development proposal for part of the former Enfield Marshalling Yards (understood to be with the Minister for Planning for consideration of approval) **proposes setting aside eight hectares of the southern portion of that land (‘Ecological Community’ land) ostensibly as GGBF habitat.** (*Emphasis and highlighting added*)

Properly designed, constructed, managed, and proved functional, this amount of habitat could provide the additional area needed to boost and secure longer term the conservation of the Greenacre Key Population. Linkages outlined above between the Juno Parade site and the former FreightCorp site would also strategically link with the ILC site and benefit the GGBF habitat compensation component of this initiative, development approval pending. This proposed compensatory habitat should also be further strategically linked to potential and possibly future created habitat along the Cooks River in Strathfield South and Belfield and coordinated with other ‘Green Web’ and Cooks River Foreshore initiatives.

The following image is from Sydney Ports Corporation Intermodal Logistics Centre at Enfield Project Newsletter Issue 2 June 2005, showing the entire area south of Cox’s Creek (minus privately owned land fronting Cosgrove Rd) as part of the Ecological and Community Area



From Sydney Ports Corporation Intermodal Logistics Centre at Enfield Project Newsletter Issue 3 January 2006:

"A major benefit to the local community establishment of an **ecological and community area of nearly six hectares at the southern end of the site.** Sydney Ports will work with local community and environmental groups to develop ideas for the ongoing use and management of this area including the Tarpaulin Shed on site" (*Emphasis and highlighting added*)

The EILC project application documentation states:

Chapter 4
Project Description
SINCLAIR KNIGHT MERZ SYDNEY PORTS CORPORATION
PAGE 4-28

4.7 The Community and Ecological Area

The Community and Ecological Area has been incorporated into the proposed development to provide an opportunity to enhance the site's ecological value and community amenity. The site is currently a highly modified and degraded landscape. The development of the Intermodal Logistics Centre provides the opportunity for ecological improvements and community benefits. These improvements have the potential to link to other projects in the area. **The Community and Ecological Area lies south of Coxs Creek, covers an area of about 5ha and would incorporate the following:**

- **Revegetation of the existing spoil stockpile, replacing weed species with species endemic to the area; and**
- **Habitat for the threatened Green and Golden Bell Frog.** (*Emphasis added*)

It is also possible that access for the community to the area would be available under supervised conditions. The future use for the Tarpaulin Factory is undecided. It will therefore be stabilised against further deterioration and its on-site use, removal or relocation decided at a later time. Its usage would be subject to a separate development application. The area would act as a buffer zone for nearby residential properties on Cosgrove Road and south of Punchbowl Road. Establishment of the Community and Ecological Area could provide potential benefits for wildlife and for the community.

The Project Approval Conditions stated:

Ecological Impacts

2.48 The Proponent shall implement all of the relevant actions for the site recommended in the *Management Plan for the Green and Golden Bell Frog Key Population at Greenacre* (DECC, May 2007), being:

- a) creation of overwintering habitat as part of the two-hectare improved foraging habitat at the southern end of the site;
- b) provision of linkages to the former RailCorp ponds; and
- c) restrictions on the use of herbicides in known frog habitat and attainment of water quality standards for water discharged from the site.

These actions shall be incorporated within both the Construction Environmental Management Plan (refer to condition 6.2) and the Operation Environmental Management Plan (refer to condition 6.4) as relevant, including provisions for monitoring the outcomes of these actions and periodically reporting outcomes to the DECC at a frequency agreed with the DECC.

NoPE submits that the Modification 5 request proposes a substantial alteration to the EILC project. Much more detail is required to address issues regarding the impact of the proposal on the threatened species Green and Golden Bell Frog before the proposal is assessed. As it stands, the proposal should be rejected.

Yours faithfully,

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