



MP05_0147
MODIFICATION
APPLICATION No. 13

**127 COSGROVE ROAD,
SOUTH STRATHFIELD**

30 August 2017

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1.0 INTRODUCTION

- 1.1 This Environmental Assessment report has been prepared by LJB Urban Planning Pty Ltd to support a modification request to the Department of Planning and Environment (DP&E). The purpose of this application is to modify the Project Approval granted by the Minister for Planning on the 5 September 2007 under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) for the development of the Enfield Intermodal Logistics Centre (ILC) (MP05_0147).
- 1.2 Pursuant to Schedule 6A of the EP&A Act, the approved project is a transitional Part 3A project and therefore Part 3A of the EP&A Act continues to apply in respect of the project. Section 75W (2) of the EP&A Act provides that a Proponent can request the Minister to modify the approval of a project. Accordingly, this application is made under section 75W of the EP&A Act.
- 1.3 The original Part 3A approval was for the construction and operation of an Intermodal Logistics Centre at Enfield comprising an intermodal terminal to move freight by rail, warehousing, empty container storage areas and light industrial/commercial premises. The southern part of the site was identified by, the then, Sydney Ports as a 'Community and Ecological Area' (CEA) that would serve as a buffer area between local residential areas and the intermodal operations of the Enfield ILC site. The CEA also incorporated the former Tarpaulin Factory building.
- 1.4 The Tarpaulin Building is one of the only remaining structures of its kind in New South Wales and is listed on the NSW Ports Section 170 register. The Director-Generals Environmental Assessment report (EA Report) dated August 2007, accompanying the ILC Project Approval, identified that the Tarpaulin Factory should be retained and stabilised in-situ due to its heritage significance until a suitable use was proposed.
- 1.5 This application seeks to remove approximately 2.16 hectares of land (Part Lot 19 DP 1183316) where the Tarpaulin Factory is situated from the original Part 3A approved Enfield ILC . Removing the subject site from the Part 3A approval ensures there is no inconsistency with any development consent granted. The removal is proposed to be undertaken in two stages.
- 1.6 This will enable development consent to be approved for the adaptive re-use of the Tarpaulin Factory building for the purpose of a garden centre and hardware and building supplies. Works associated with the development application will also include associated car parking/servicing areas and landscaping. It is proposed that works associated with the remediation of the subject site and transfer of fill within the Enfield ILC site boundary for the purpose of the garden centre will continue to occur under the Part 3A approval and a Remediation Action Plan in relation to these works, which accompanies this application. Upon the issue of the Occupation Certificate for a development consent granted it is proposed that the subject site will be entirely excised from the Part 3A approval.
- 1.7 The removal of the subject site from the overall Part 3A site area is necessary to ensure that the future use can be managed effectively and in accordance with conditions that will apply to

the specific use. The Enfield ILC approval always envisaged that a separate DA would be lodged for the future use of the Tarpaulin building. This modification will facilitate this.

- 1.8 Development application (DA2016/132) was lodged under Part 4 of the EP&A Act, with Strathfield Council, for the adaptive re-use of the Tarpaulin Factory building. The Development Application was refused by Council and the applicant has lodged a Class 1 application to the Land and Environment Court.
- 1.9 The proposed future use as a garden centre and hardware and building supplies is unrelated to the existing Enfield ILC use and will not affect the logistical operations of the approved Terminal facility that was granted under the Part 3A Project Approval. The DA has committed to carry out the environmental and heritage obligations that apply to this portion of the site as outlined in Section 1.13 and associated table of the amended Statement of Environmental Effects that accompanied the Part 4 application.
- 1.10 This Modification will facilitate the future development for a garden centre and hardware and building supplies assessed under Part 4 of the Act.
- 1.11 The Part 4 application considers the impacts of the proposed land form changes to the eastern batter of Mt Enfield. Fill that is proposed to be removed from Mt Enfield as a result of the proposed works to facilitate the car park for the garden centre and hardware and building supplies premises will be used to raise other areas of the garden centre and hardware and building supplies premises site and any excess material will be transferred to other areas of the Enfield ILC site. The proposed material transfer works would be carried out under the Part 3A approval. In accordance with the Part 3A approval, the fill will be stabilised, graded and landscaped in accordance with the approved Landscape Management Plan and remediated in accordance with the Remediation Action Plan.
- 1.12 The preparatory material transfer works to facilitate the garden centre and hardware and building supplies premises will be carried out independently from any other development authorised under the Project Approval. The works will be carried out by Flower Power and its agents as the proponent and does not bind Flower Power to meet any obligations unless expressly required by a condition inserted into the Enfield ILC project approval as a consequence of this request.
- 1.13 The redevelopment of the Tarpaulin building is a good planning outcome for the community and the local residents. The development will have a positive impact by allowing the public to access this area and enable an appreciation of the heritage items which is currently not available.
- 1.14 This modification will facilitate this development and is only proposed to proceed subject to receiving development approval as outlined in Section 1.8. Should development approval not be granted this modification will not take effect and the status quo will remain with the building remaining vacant until another suitable permissible use is proposed and approved.
- 1.15 This report provides an assessment of the impacts of excising this portion of the site from the existing Part 3A approval. The development impacts of the proposed garden centre and hardware and building supplies premises are subject to the Part 4 assessment.

2.0 PART 3A PROJECT APPROVAL, MODIFICATIONS AND APPLICATIONS

Part 3A Project Approval and Modifications

2.1 In December 2005 a Part 3A Project Approval for the construction and operation of the Enfield ILC site was submitted to the Department of Planning and sought consent for the following:

- demolition, relocation or removal of former railway buildings and structures;
- earthworks and drainage including the levelling of the site, formation of landscape mounds and detention basins and removal of unsuitable materials, as required;
- construction and operation of:
 - an intermodal terminal for the loading and unloading of containers between road and rail and the short term storage of containers, with a capacity to handle 300,000 TEU per annum;
 - rail sidings, railway lines and associated works to connect to the existing freight line;
 - warehousing for the packing and unpacking of containers and the short-term storage of cargo;
 - empty container storage facilities, for the storage of empty containers to be later packed or transferred back to the port by rail;
 - light industrial/commercial area fronting Cosgrove Road complementary to operations at the site;
 - access works including the construction of a road bridge over the new marshalling yards for access to Wentworth Street and an upgrade of the entrance to the site from Cosgrove Road; and
 - internal roads, administration buildings, diesel and LPG storage and fuelling facilities, container wash down area, vehicle maintenance shed, and installation of site services (all utilities, stormwater and sewerage).

2.2 On 5 September 2007, approval was granted under section 75J of the EP&A Act.

2.3 The approval has been subsequently modified as shown in the table below:

Table 1: Modifications of Project Approval MP05_0147 (Source: NSW Ports)

Modification Number	Description	Approval Date
MOD 1	Amendment of conditions relating to construction dust monitoring.	2 October 2008
MOD 2	Amendment of conditions to enable staged construction and operation and modified timing of submission of Site Audit Statements.	30 March 2009
MOD 3	Amendment of conditions relating to noise walls, internal roads, stormwater detention, development areas and site layout.	27 May 2010
MOD 5	Relocation and reuse of unsuitable materials to Mount Enfield.	10 November 2011
MOD 6	Incorporation of former Toll Site into project site and subdivision of site into 22 allotments.	11 December 2012
MOD 7	Withdrawn	Withdrawn
MOD 8	Amendment of subdivision layout into 23 allotments to facilitate commercial leasing, development and operation of the site.	27 November 2013
MOD 9	Withdrawn	Withdrawn
MOD 10	This amendment seeks to add additional freight-related operational activities (i.e. truck to truck and rail to rail) within the intermodal terminal area including the empty container storage areas (Areas A and B on Lots 12 and 13).	Not yet determined.

MOD 11	Amendment for the construction of a new warehouse in Area G.	8 February 2017
MOD 12	Amendment for additional rail sidings and office accommodation in the IMT.	7 March 2017

2.4 The proposed modification, subject to this report, seeks to excise land from the overall Enfield ILC site and the following image identifies the portion of the site the subject of this application (outlined in white):



2.5

Figure 1: Aerial View of approximate site area

2.6 The subject site is located within Lot 19, refer to subdivision plan below:

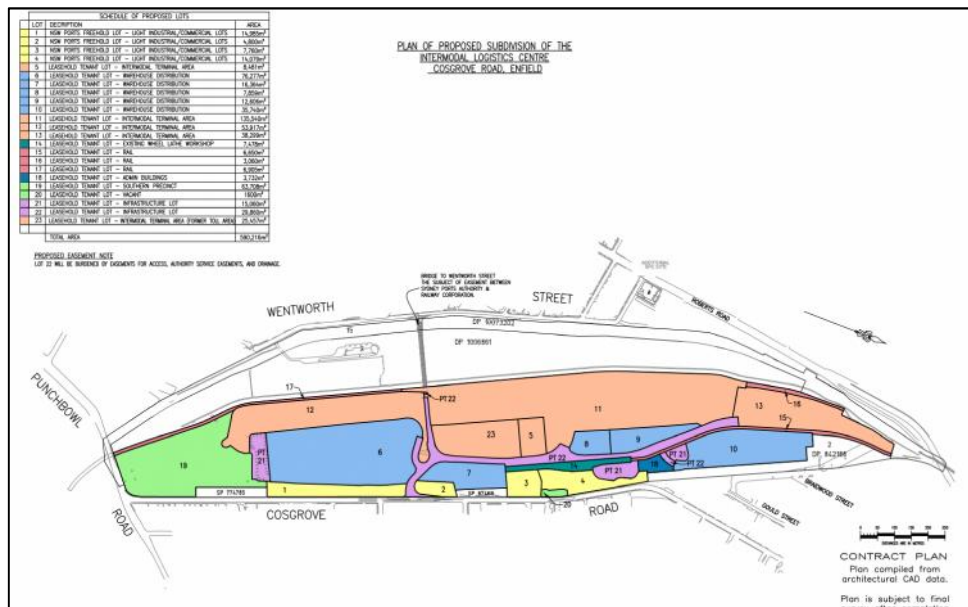


Figure 2: Enfield ILC plan of subdivision and site uses (Source: NSW Ports Modification No.8)

2.10 The application was refused by Strathfield Independent Hearing and Assessment Panel on 1 June 2017. The reasons for refusal included:

- *The proposed café, fruit and vegetable shop, pet shop and pool shop are not ancillary to the garden centre and are therefore prohibited within the IN1 General Industrial zone under the Strathfield Local Environmental Plan 2012 (Section 79 C (1) (a)(i) of the Environmental Planning and Assessment Act 1979).*
- *The proposed development is inconsistent with the objectives of the RE2 Private Recreation zone under the Strathfield Local Environmental Plan 2012 in that the proposal is not for recreational purposes and does not seek to protect or enhance the natural environment for recreational purposes (Section 79 C (1)(a)(i) of the Environmental Planning and Assessment Act 1979).*
- *The subject application was not accompanied by a Waste Management Plan outlining the proposed measures for minimising waste generation throughout the proposed demolition works, construction works and for the ongoing operation of the site in accordance with the requirements of Section 2.1 of Part H “Waste Management and Minimisation” of Strathfield Consolidated Development Control Plan (Section 79 C (1) (a)(iii) of the Environmental Planning and Assessment Act 1979).*

2.11 The applicant submitted a Class 1 appeal to the Land and Environment Court on 4 July 2017. The applicant sought leave to rely on amended plans and provide additional information which was granted. The amended application addressed the reasons for refusal and accompanies this application. The amended application seeks approval for alterations and additions to the existing factory building on the site for as a ‘garden centre’ and ‘hardware and building supplies’, as defined in the *Strathfield Local Environmental Plan 2012*. The application no longer seeks development consent for separate ‘shops’ that had been proposed within the overall retail premises. The matter is listed for a S34 Conciliation Conference on 8 November 2017.

2.12 The Part 4 application has assessed the impacts of the land form changes to Mt Enfield. Fill that is proposed to be removed from Mt Enfield as a result of the proposed works to facilitate the garden centre and hardware and building supplies premises car park will be used to raise other areas of the garden centre and hardware and building supplies premises site and any excess material will be transferred to other areas of the Enfield ILC site. These works will be carried out in accordance with the Part 3A approval and are to be undertaken in accordance with the Remediation Action Plan prepared by ZOIC dated 2 February 2017. In accordance with the Part 3A approval, the fill will be stabilised, graded and landscaped in accordance with the approved Landscape Management Plan.

2.13 The proposed works to enable the garden centre and hardware and building supplies premises are highly beneficial to enable the retention of the Tarpaulin building which has been assessed as being of state heritage significance. There are limited commercial uses that would enable the adaptive reuse of the Tarpaulin building in its existing form without adequate car parking and servicing within the site.

2.14 To enable the adaptive re-use of the building as a retail garden centre and hardware and building supplies premises with ancillary uses it will require car parking and servicing to be provided within the site to minimise traffic and parking impacts for residential properties and traffic along Cosgrove Road, for this reason additional curtilage surrounding the building will

be required to enable the proposed re-use of the Tarpaulin Factory. This will result in the landform of Mt Enfield being reconfigured.

- 2.15 The proposed use of the Tarpaulin building is a highly beneficial community outcome that will enable adaptive re-use, improve the aesthetics of the southern end of the site with landscaping and significantly increase accessibility for the public beyond the commitments given within the original EA for the Part 3A Project Approval.
- 2.16 The proposed use will be a less intense use than some of the industrial uses permitted in the current zone and will provide a business that can serve the community.

3.0 COMMUNITY AND ECOLOGICAL AREA AND TARPAULIN BUILDING

Community and Ecological Area (CEA)

3.1 The original approval for the Enfield ILC included an area identified as the “Community Ecological Area” (CEA) within the southern precinct of the site. The main purpose of the area was to act as a buffer to the residential areas and establish 2 hectares of frog habitat which would have restricted and controlled public access.

3.2 The intention of the ‘Community and Ecological Area’ (CEA), within the Director-Generals EA report, for the approved Enfield ILC, was to provide an opportunity to enhance the site’s ecological value. The following paragraph is extracted from the EA report:

The Proponent has incorporated a Community and Ecological Area as part of the proposal to provide an opportunity to enhance the site’s ecological value. The area lies to the south of Coxs Creek and covers an area of approximately five hectares (refer to Figure 4). The area would include the revegetation of the existing spoil stockpiles, replacing weed species with species of plants endemic to the local area. In addition, the area would provide habitat for the threatened Green and Golden Bell Frog. This species was not located on the site during field surveys undertaken as part of the Environmental Assessment, although is known to occur in the surrounding area.*

3.3 The southern end of the site, being the CEA, was identified as requiring the following works to be undertaken:

- future landscaping;
- revegetation of stock piles (i.e. Mt Enfield);
- endemic planting and weed replacement;
- creation of a habitat for Green and Golden Bell Frogs; and
- ecological works to improve water quality and provide a visual buffer for the Enfield ILC site.

3.4 The majority of the above works have been completed.

3.5 The removal of the site from the original Part 3A approval for the Enfield ILC will not affect the ecological outcomes being achieved or impact on the function of the area.

3.6 Under the Part 4 Development Application Mt Enfield will still remain at the same height and will continue to act as an effective buffer between the railway uses to the west and residential

properties to the east. The landform on the eastern side of Mt Enfield will change as a result of the cutting / excavating into the mound i.e. generally the base width of Mt Enfield. Fill that is proposed to be removed from the eastern side will be used to raise other areas of the site and any excess material will be transferred within the Enfield ILC site. These works will occur under the Part 3A approval and in accordance with the Remediation Action Plan and the approved Site Management Plan and Landscape Management Plan.

- 3.7 The modification does not relate to the 2 hectares of frog habitat. A report prepared by Biosphere Environmental Consultants Pty Ltd forms part of the Part 4 development application. The report determined that the re-development of the land for a retail garden centre and hardware and building supplies premises will not result in the loss of habitat and should not impact adversely on Green and Golden Bell Frogs subject to the inclusion of a frog-exclusion barrier during construction works.

Tarpaulin Building

- 3.8 The Tarpaulin building was one of a number of items/buildings on the Enfield ILC site that were identified as having heritage value/significance, with the Tarpaulin building identified as being of State Significance.

- 3.9 When the Part 3A project was approved the future use or development of the Tarpaulin Factory was unknown. Both the Department of Planning and Sydney Ports Corporation supported the retention and management of the building within the CEA. This was also reflected in the conditions of approval for the project, refer to Condition 2.34 of the Project Approval 05_0147 which states:

Except for necessary stabilisation works agreed in consultation with the NSW Heritage Office, the Proponent is not permitted to destroy, modify or otherwise physically affect the Tarpaulin Factory as part of this approval. Any proposal to destroy, modify, redevelop, relocate or otherwise physically affect the Tarpaulin Factory, except for agreed stabilisation works, shall be the subject of further assessment and approval in accordance with the Environmental Planning and Assessment Act 1979.

- 3.10 Around 2010, Sydney Ports Corporation discussed the potential redevelopment options for the Tarpaulin building with Strathfield Council; however, formal consultation was not undertaken with the community regarding future uses at that stage.
- 3.11 In 2014, NSW Ports consulted formally with the community on the potential future use of the Tarpaulin building and it was determined that a garden centre/plant nursery was the preferred use of the site by the community. The consultation also indicated that the community was evenly split about whether or not the building should be retained, however, reasons given for its removal were mainly in regards to its dilapidated appearance.
- 3.12 It is noted that during community consultation regarding the reuse of the Tarpaulin building, local residents expressed their concern for lack of on-street parking and required any future development to provide on-site car parking.
- 3.13 A proposed use for the Tarpaulin building has now been identified, being a garden centre and hardware and building supplies premises development, as preferred by the community.

- 3.14 To enable a successful adaptive re-use of the Tarpaulin Factory it requires assessment and development approval under Part 4 of the Environmental Planning and Assessment Act. Any proposed future use of the Tarpaulin Factory will require works to be undertaken within and around the building to enable car parking, servicing and landscaping.
- 3.15 The proposed Part 4 redevelopment of the Tarpaulin Building will create a positive impact for the reasons listed below:
- allowing adaptive re-use of the building
 - allowing the appearance of the dilapidated building to be improved
 - allowing access to heritage items (Tarpaulin Building and Pillar Water Tank) which are currently inaccessible;
 - significantly improve public accessibility; and
 - resultant landscaping works which will further enhance the southern section of the Enfield ILC site.

4.0 DESCRIPTION OF PROPOSED MODIFICATION AND JUSTIFICATION

- 4.1 This modification of the Project Approval proposes to remove approximately 2.16 hectares of land from the Part 3A Project Approval for the wider Enfield ILC site in two stages.
- 4.2 Specifically, the application seeks to excise part of the land within Lot 19 DP 1183316 from the project approval. The land that is to be removed is outlined in red below:



- 4.3 In order to enable the adaptive re-use of the Tarpaulin building and approval of the Part 4 development application, this portion of the site needs to be excised from the overall Enfield ILC site area. The excision of the site from the Enfield ILC Project Approval is intended to occur in two stages to facilitate the remediation and transfer of fill within the Enfield ILC site. This application seeks to amend the Project approval as follows:
 - Prior to the Issue of the Construction Certificate to facilitate construction of the Garden Centre and hardware and building supplies premises under DA2016/132, with the exception of the ability to carry out the remediation and transfer of fill, the land will be excised from the ILC site.
 - The Part 3A Project Approval will continue to apply to the subject site as it relates to the remediation of the land and transfer of fill within the ILC site only. Following Issue of the Occupation Certificate for the Garden Centre and hardware and building supplies premises development application (DA2016/132), the land will be entirely excised from the Project Approval (MP05_0147).
- 4.4 It should be noted that a large portion of the 2.16 hectares is and will continue to be occupied by the existing Tarpaulin Factory building footprint.

- 4.5 The effect of this proposed modification would be to remove the land proposed to be occupied by the garden centre and hardware and building supplies uses from the wider Project Approval area for the ILC site. Any conditions that specifically relate to the subject land under the Part 3A Project Approval have been proposed to be adopted as part of the Part 4 DA for the garden centre and hardware and building supplies premises (refer to Table 2 below).
- 4.6 The DA under Part 4 seeks the reuse and development of the Tarpaulin Factory and surrounds for a future garden centre, hardware and building supplies and associated car parking/service areas and landscaping.
- 4.7 The DA also addresses the relocation of fill within the site as well as the proposed reshaping of the eastern side of Mt Enfield to facilitate the retaining walls and car parking area. This modification is necessary to enable the Part 4 Development Application to be determined by Council. The relocation of fill within the ILC site will be subject to compliance with the requirements to the Part 3A approval.
- 4.8 It should be noted that the heritage and environmental management commitments made under the Part 3A Project Approval will still continue to apply to this area of the site, as outlined in the Part 4 development proposal (DA2016/132) currently being assessed by Strathfield Council.
- 4.9 The following table provides a summary of the requirements of the Part 3A approval that will transfer to the concurrent Part 4 development application for the retail garden centre and hardware and building supplies premises :

Table 2: Conditions to be transferred to a Part 4 DA Determination:

Condition No.	Condition wording	Relevance to Garden Centre DA
2.35	The Proponent shall relocate and maintain the Pillar Water Tank to an appropriate location within the site, determined in consultation with the NSW Heritage Office.	The Pillar Water Tank has been relocated in the area occupied by the Garden Centre and hardware and building supplies premises. Therefore, it may be appropriate to note in the Part 3A approval that this item has been relocated and no longer occupies the ILC site. Ongoing maintenance of the Pillar Water Tank will be undertaken by Flower Power.
2.36	The Proponent shall undertake such works as may be necessary to stabilise the Pillar Water Tank as part of the relocation of that heritage item on the site. The Proponent shall consult with the NSW Heritage Office prior to undertaking any stabilisation works to ensure that the works do not adversely affect the heritage values of the item.	The stabilising works have occurred. Hence this condition has been satisfied. Therefore, it may be appropriate to note in the Part 3A approval that this item has been relocated and no longer occupies the ILC site.
2.42	The Proponent shall ensure that contaminated areas of the site that are disturbed by construction works associated with the project are remediated prior to the commencement of project operations at these areas. All remediation works shall be undertaken in accordance with the requirements of the <i>Contaminated Land Management Act 1997</i> and <i>Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites</i> (EPA, 1997).	Fill that is proposed to be removed from Mt Enfield as a result of the proposed works to facilitate the garden centre and hardware and building supplies premises car park will be used to raise other areas of the garden centre and hardware and building supplies premises site and any excess material will be transferred to other areas of the ILC

Condition No.	Condition wording	Relevance to Garden Centre DA
		site. Works to Mt Enfield will be undertaken in accordance with the approved Remediation Action Plan as outlined above.
2.43	Prior to the commencement of construction works associated with the project that may disturb contaminated areas of the site, the Proponent shall submit to the Director-General a Site Audit Statement(s), prepared by an accredited Site Auditor under the <i>Contaminated Land Management Act 1997</i> , verifying that the area of the site on which construction is to be undertaken has been or can be remediated to a standard consistent with the intended land use. A final Site Audit Statement(s), prepared by an accredited Site Auditor, certifying that the contaminated areas have been remediated to a standard consistent with the intended land use is to be submitted to the Director-General prior to operation of the remediated site(s).	Works to the site will be undertaken in accordance with the Remediation Action Plan and will include a final Site Audit Statement.
6.3(c)	A Heritage Interpretation Plan and Strategy to detail how heritage items to be retained on-site will be protected during site preparation and construction, and how relocated heritage items will be protected and maintained during those works. The Plan shall include a strategy for the on-going management and interpretation of heritage items and values on the site, and shall be prepared in accordance with NSW Heritage Office guidelines;	The relevant sections of the approved Heritage Interpretation Plan and Strategy shall be met by the proponent of the Garden Centre and hardware and building supplies premises in relation to the Tarpaulin Factory and Pillar Water Tank. The Heritage Interpretation Plan may therefore need to be updated to reflect the new ILC site boundary.
6.3(f)	A Mt Enfield Stabilisation Management Plan to detail how the batters of Mt Enfield and associated drainage will be managed during construction and until such time as it is stabilised with vegetation. The plan shall include but not be limited to: <ul style="list-style-type: none"> (i) measures to prevent soil erosion and the discharge of sedimentation to lands or waters, including to the Green and Golden Bell Frog Habitat Creation Area and Cox's Creek; (ii) identification of where runoff from Mt Enfield is to be directed to, indicating ponding and flow paths to ensure runoff volume and increased flow velocity has been provided for, with the objective of not exceeding current rates; (iii) measures to mitigate potential dust impacts on sensitive receivers including the Green and Golden Bell Frog Habitat Creation Area and surrounding residences; and (iv) measures for the enhancement, revegetation and on-going landscape management of the Mt Enfield site, undertaken in consultation with Strathfield Municipal Council and Bankstown City Council, and the local community. <p>The ongoing management of drainage structures and landscaping associated with Mt Enfield shall be incorporated into the Operation Environmental Management Plan required under condition 6.4 of this approval.</p>	Works associated with Mt Enfield are to comply with the requirements of the Mt Enfield Stabilisation Management Plan.

4.10 The excision of the part of the site would take effect in two stages and is subject to receiving development consent for the Part 4 development application for the garden centre and

hardware and building supplies premises development. It is appropriate for the conditions of development consent to apply to the development and ensures the proponent of the Enfield ILC is able to comply with the Part 3A conditions of consent. Notwithstanding this, the garden centre and hardware and building supplies premises development requires the reshaping of Mt Enfield and will require the transfer of material within the Enfield ILC site to facilitate the carpark works. Given these works will be undertaken between the garden centre and hardware and building supplies premises site and the remaining Enfield ILC site, it is proposed that the Part 3A approval continues to apply to this aspect of the development i.e. the remediation and material transfer works.

- 4.11 Therefore, in the first instance, it is proposed to “remove” the subject site from the Part 3A approval at the time of the issue of the Construction Certificate for the garden centre and hardware and building supplies premises development (DA2016/132). Works associated with the development application include the associated car parking/servicing areas and landscaping. It is proposed that works associated with the remediation of the subject site and transfer of fill within the Enfield ILC site boundary for the purpose of the garden centre and hardware and building supplies premises will continue to occur under the Part 3A approval and a Remediation Action Plan in relation to these works, which accompanies this application. Prior to the issue of the Occupation Certificate it is proposed that the subject site will be entirely excised from the Part 3A approval. It is requested that the following additional condition be inserted at 1.4A

Despite any other provision of this approval, the approval will cease to apply to the land identified as Part Lot 19 DP1183316 and outlined in red on drawing SENP154B if development consent is granted to DA 2016/132, effective from the issue of the first construction certificate in relation to that development consent. The remediation of the land and transfer of material from the land identified as Part Lot 19 DP1183316 and outlined in red on drawing SENP154B will continue to be subject to this approval until the issue of the first Occupation Certificate for works granted under DA 2016/132.

- 4.12 It is in the interest of the community to adaptively re-use the Tarpaulin Factory. The building is listed on the s.170 register and is considered to be State Significant. The adaptive re-use of the building is the most appropriate and beneficial long-term outcome for the existing historic building and the community.
- 4.13 To enable the re-use and development of the building it is important that the Tarpaulin building and the external surrounds be excised from the Part 3A site area, as the proposed use will no longer be affiliated with the intermodal terminal functions on the remainder of the site.
- 4.14 It is reasonable to expect that the building and building surrounds can be modified to accommodate a future use to ensure the retention of the State Significant building that will benefit the local community and halt further dilapidation.
- 4.15 Any use of the former Tarpaulin Factory would require car parking and loading/unloading areas to be provided on site. It would be unreasonable to expect that the re-use could occur without providing on-site parking and loading to meet Council’s DCP requirements. Due to the position of the Tarpaulin building, car parking and servicing will need to be provided behind the building at-grade and will require the development to extend west of the building towards Mt

Enfield; this is why the curtilage has been extended beyond the footprint of the Tarpaulin building.

- 4.16 The removal of a portion of the site from the Part 3A approval will have no effect on the height of Mount Enfield, which will remain a landscaped feature and will continue to act as an effective buffer for ILC activities and rail activities.
- 4.17 As stated above, the Part 4 DA seeks consent to modify the eastern side of Mt Enfield and install retaining walls to enable the car park construction to be undertaken, these works do not form part of this subject modification. Fill that is proposed to be removed from Mt Enfield as a result of the proposed works to facilitate the garden centre and hardware and building supplies premises car park will be used to raise other areas of the garden centre and hardware and building supplies premises site and any excess material will be transferred to other areas of the ILC site. These works will remain the subject of the Part 3A approval to enable fill to be relocated within the ILC site. In accordance with the Part 3A approval, the fill will be stabilised, graded and landscaped in accordance with the approved Landscape Management Plan.
- 4.18 The constructed frog pond habitat area will not be affected by this modification or by the Part 4 DA as they are positioned outside of the excised site area. The Part 4 DA assessment has considered these impacts.
- 4.19 The effect of this modification application is to remove the land proposed to be occupied by the Garden Centre and hardware and building supplies premises from the Project Approval. It has been requested that, should consent be granted for the garden centre and hardware and building supplies premises, the determining authority impose a condition on the development consent requiring a modification of this nature to be approved prior to the issue of a Construction Certificate.
- 4.20 The proposed modification is necessary to enable the orderly and economic use of the land.

5.0 ASSESSMENT

5.1 Traffic and Car Parking

- 5.1.1 The existing driveways along Cosgrove Road will remain and provide access to the proposed garden centre and hardware and building supplies premises and the southern precinct. The existing driveway on Punchbowl Road will provide alternative maintenance access to the southern precinct (including Mt Enfield, the frog ponds & habitat, and ARTC access to the Enfield Marshalling Yard).
- 5.1.2 The existing driveway will remain in-situ and no works are proposed with this modification.
- 5.1.3 The Part 4 development application for use of the site as a garden centre and hardware and building supplies premises is accompanied by a Traffic and Parking Report which has considered the car parking, servicing, manoeuvrability and traffic movements associated with the future development. The report determined that the associated traffic and parking would be acceptable.
- 5.1.4 It is necessary to provide sufficient area around the building to ensure that car parking and servicing can be provided on the site. Without the car parking and loading dock it would be very difficult to find a future tenant to re-use and occupy the Tarpaulin Factory building.
- 5.1.5 The proposed land to be excised from the overall ILC site area is acceptable as it will ensure that adequate parking and servicing areas are accommodated on site to enable its adaptive re-use.
- 5.1.6 The Part 4 DA assessment considered construction impacts associated with the garden centre and hardware and building supplies premises development. There will be no external truck movements outside the Enfield ILC site boundary associated with the transfer of fill / spoil to areas within the Enfield ILC site.

5.2 Noise

- 5.2.1 The subject site is located on the western side of Cosgrove Road and residential properties are located opposite on the eastern side.
- 5.2.2 The remediation and fill transfer works to be undertaken as part of the proposed modification are consistent with those which have previously been assessed as part of the Enfield ILC project approval and will not adversely affect the residential properties opposite.
- 5.2.3 However, the development application for the retail garden centre and hardware and building supplies premises is accompanied by an Acoustic Report prepared by a qualified Acoustic Consultant, which determines that the use will not detrimentally affect the nearby residential properties.

5.3 Contamination

- 5.3.1 The only works that will remain the subject of the Part 3A approval is the remediation of the site and transfer of fill. No other works associated with the proposed garden centre and hardware and building supplies premises will be subject to the Part 3A approval.
- 5.3.2 Excess fill that is proposed to be removed from Mt Enfield as a result of the proposed works to facilitate the garden centre and hardware and building supplies premises will be transferred within the ILC site. In accordance with the Part 3A approval, the excess fill will be stabilised, graded and landscaped in accordance with the approved Landscape Management Plan. A Remediation Action Plan has also been prepared to address these works and accompanies this application. The potential impacts of earthworks and fill handling will be managed in accordance with the Site Management Plan for the Southern Precinct.

5.4 Adaptive Re-Use of the Tarpaulin Factory Building

- 5.4.1 The Part 4 development application is for the adaptive re-use of the Tarpaulin Factory building for the purpose of a retail garden centre, hardware and building supplies, car parking and landscaping works.
- 5.4.2 Given the significance of the existing building, as discussed above, and the recent community survey undertaken by NSW ports for the future use of the building/site, the proposed garden centre and hardware and building supplies premises would be the most appropriate and preferred use of the site, that would better serve the local community and retain and redevelop a significant building which is dilapidated.
- 5.4.3 Any use of the former Tarpaulin Factory would require car parking and loading/unloading areas to be provided on site. It would be unreasonable to expect that the re-use could occur without providing on-site parking and loading to meet Council's DCP requirement.
- 5.4.4 The Tarpaulin Factory building has remained vacant for a lengthy amount of time and could not be occupied or utilised in its current dilapidated condition. To enable its adaptive re-use a DA was lodged and the excision of the Tarpaulin Factory site from the wider Enfield ILC site area will enable the development, if the DA is approved, to proceed to construction certificate.
- 5.4.5 The excision of the land from the overall ILC site area will not detrimentally affect the existing ILC functions.
- 5.4.6 The Tarpaulin Factory building and surrounding land, as detailed on the accompanying plans will enable the orderly and economic development of the land and ensure the historic building remains in-situ.

5.5 Effect on Community and Ecological Area (CEA)

- 5.5.1 The proposed removal of 2.16 hectares of land from the overall Enfield ILC site area will have no effect on the wider ILC functions.
- 5.5.2 The DA for a garden centre and hardware and building supplies premises is permissible in the current zoning.

- 5.5.3 While this modification seeks to separate the land from the wider Enfield ILC site and subsequent CEA, the overall development outcome is positive with the area being able to be appreciated for its heritage value and improved accessibility to the Tarpaulin building, which is currently unavailable. The removal of the south-eastern portion of the site, from the approved 'Community and Ecological area (CEA)', will not alter its intended purpose to enhance the sites ecological value and provide a visual buffer between the Enfield ILC site and the residential areas to the south.
- 5.5.4 The excision of the land from the overall Enfield ILC site area does not reduce the current access arrangements to the CEA. NSW Ports has constructed a designated access path along the ridge of Mt Enfield, which is publically accessible during daylight hours via Punchbowl Road. Currently, there are no other public access arrangements to the CEA.
- 5.5.5 The garden centre and hardware and building supplies premises development would facilitate the Tarpaulin Factory building, the Pillar Water Tank and the surrounding land (currently forming part of the CEA) to be accessible to the public during operational hours, which is currently not permitted. While the site will be excised out of the CEA as identified in the Enfield ILC Project, the resulting outcome is positive and will be managed under a Part 4 application verses the existing Part 3A Project Approval (MP05_0147).
- 5.5.6 If this modification and Part 4 development application are not approved it would result in this part of the CEA remaining unusable and not publicly accessible, with the only accessible part being along the pathway to the ridge of Mount Enfield.
- 5.5.7 The original ILC EA report outlined several ecological values associated with the CEA and the following table demonstrates that the proposed modification will not affect these:

Table 3: Community and Ecological Area Ecological Values Assessment:

Ecological Value	Effect of Modified Site Area Boundaries	Satisfies Intent
Revegetation of the existing spoil stockpiles (i.e Mt Enfield)	<p>Mt Enfield will remain at the existing height with vegetation and the modified site boundaries will have no intrinsic effect on the ecological value as no works are proposed with this modification.</p> <p>However, the DA for the retail garden centre and hardware and building supplies premises will affect the eastern side of Mt Enfield where retaining walls are proposed to enable the car parking area to be constructed.</p> <p>The DA provides planter beds and replacement planting of endemic plants once works are completed to replenish any affected vegetation.</p> <p>Overall, the spoil stockpile will still be heavily vegetated.</p>	<input checked="" type="checkbox"/>
Replacing weed species with species of plants endemic to the local area	<p>Noted. Fill that is proposed to be relocated to facilitate the garden centre and hardware and building supplies premises will be undertaken in accordance with the Part 3A approval in accordance with the approved Landscape Management Plan.</p> <p>The eradication of weed species will be undertaken regardless of the boundary lines and intended use.</p>	<input checked="" type="checkbox"/>

Ecological Value	Effect of Modified Site Area Boundaries	Satisfies Intent
Construction of a new frog habitat for the threatened Green and Golden Bell Frog to attract the species which have been identified on nearby sites (not located on the subject ILC site).	<p>The frog habitat has been completed and is located to the north-west of the proposed Tarpaulin Factory site boundary.</p> <p>There will be no effect on this habitat from the removal of the Tarpaulin Factory site from the overall Enfield ILC site and the DA proposes works outside the new frog habitat area which helps restrict public access.</p> <p>The proposed modification and DA will have no impact on the frog habitat, an ecological report has been prepared and was submitted to Council to assist their assessment of the Part 4 DA.</p>	☑
Construct Mt Enfield to act as a noise buffer to the ILC activities and to protect residential properties along the eastern side of Cosgrove Road	<p>The proposed modification will not alter the height of Mt Enfield which will continue to act as a noise buffer.</p> <p>The form will change as a result of car parking and retaining walls will be erected at lower levels, however, the height will still be maintained.</p>	☑
Visual screening of the site with plants.	<p>The southern end of the site was proposed to contain dense planting to screen the Enfield ILC site from Punchbowl Road and Cosgrove Street.</p> <p>The Part 4 DA proposes landscaping along the Punchbowl Road frontage adjacent to the future outdoor nursery, throughout the proposed car park and adjacent to the new car park entry on Cosgrove Street. Existing trees along the western side of Cosgrove Street will remain with the exception of one tree to facilitate the vehicular entry.</p> <p>The Part 4 DA and associated works will improve the aesthetics of the existing building and future car parking. The landscaping will still achieve visual screening while maintaining view lines to the historic Tarpaulin Factory building.</p> <p>Overall, the adjustment to boundary lines will not effect this ecological value or the visual buffer that Mt Enfield and the southern precinct provides. The concurrent Part 4 DA is still able to achieve the intended outcome of the CEA as outlined in section 3.3.</p>	☑

- 5.5.8 As demonstrated above, this proposed modification and DA for the retail garden centre and hardware and building supplies premises will have no effect on achieving and/or maintaining the ecological values of the CEA.
- 5.5.9 At the time of the approval for the ILC site and particularly the CEA, the then Sydney Ports Corporation were unaware of what the potential future use of the Tarpaulin Building would be. The Landscape Plan for the southern precinct was prepared based on the land shape form of Mount Enfield following Modification No.6 to the Project Approval. The future use of the Tarpaulin Building was also not known at that point in time. Recent public consultation

suggested the best use for the site would be a garden centre and that the building should be retained in-situ.

- 5.5.10 The separation of the land from the overall Enfield ILC site area under this modification will enable the Part 4 DA to be determined with conditions specifically applicable to the development, if approved. This is the best outcome for the site and Tarpaulin Factory building, as it will ensure that the community is able to utilise the currently inaccessible building and enjoy its historic significance.

5.6 Streetscape

- 5.6.1 This proposed modification will not significantly alter the streetscape. The view from a short length of Punchbowl Road looking towards the Enfield ILC site is likely to change, with the base of the mound on the eastern side of Mount Enfield being narrowed to accommodate car parking and a retaining wall.
- 5.6.2 The volume of excess fill from the garden centre site and hardware and building supplies premises may range between 0m³ and 6,800m³. The final volume will depend on the selected retaining wall design and the amount of material that can be utilised as fill behind the retaining wall
- 5.6.3 One of the possible locations for the placement of excess fill material could be the western side of Mt Enfield. Should the excess fill (or part of the excess material) be transferred to the western side of Mt Enfield, this may result in the landform on the western side of the mound being slightly “prouder / wider” by up to two metres along the slope with a grade not exceeding the existing slope of 1:2. This fill will not impact on the overall volume of material on Mt Enfield nor will it result in Mount Enfield increasing in height. It will not impact on the view corridor from Punchbowl Road looking north as the railway corridor will remain visible. The western side of Mount Enfield will be revegetated in accordance with the Landscape Plan for the southern precinct of the Enfield ILC site.
- 5.6.4 The modification will allow for the land to be used for a garden centre and hardware and building supplies premises and proposed works will improve the presentation of the dilapidated building when viewed from Cosgrove Road and Punchbowl Road.
- 5.6.5 Overall, the DA for the re-use of the building will significantly improve the aesthetics of the subject site and the proposed landscaping and improvements will be consistent with the existing site.

5.7 The Suitability of the Site for the Development

- 5.7.1 The site is suitable for the proposed modification as it has been determined that the benefits far outweigh the negatives with regards to the future use of the Tarpaulin Factory.

5.8 Submissions

- 5.8.1 A response will be prepared to address any issues raised during the exhibition period.

5.9 The Public Interest

- 5.9.1 It is in the public interest to allow development that generally complies with planning controls, has no significant adverse environmental, economic or social impacts, and has general merit.
- 5.9.2 The excision of the Tarpaulin building and associated curtilage from the Part 3A approval will have no effect on the purpose of the CEA, as addressed in this report.
- 5.9.3 The retention and re-use of the Tarpaulin building, which is of heritage significance, will be a community benefit for years to come. The modification will not affect pedestrian access to Mount Enfield which is from Punchbowl Road. Works to Mount Enfield, under the Part 4 DA, will be at the base on the eastern side and will not affect the integrity of the mound, pedestrian access or the buffer intended as part of the original Part 3A Approval.
- 5.9.4 The Part 4 development application will enable the site to provide significantly improved public accessibility. This is currently not the arrangement under the current Project Approval for the site. NSW Ports is providing public access to the ridge of Mt Enfield which is also beyond the commitments made in the EA, which stated restricted and escorted access.
- 5.9.5 The excision of the Tarpaulin building site from the Part 3A project approval in two stages does not impact on the development commitments made in the Part 3A application or the management/mitigation measures.

6.0 CONCLUSION

- 6.1 This application seeks to modify the project approval for the Enfield Intermodal Logistics Centre (ILC) by removing the Tarpaulin Factory and its curtilage (the site), located within the CEA, from the Part 3A approved Enfield ILC in order to allow the garden centre and hardware and building supplies premises development to be governed under a consent specifically drafted to manage the impacts of the garden centre and hardware and building supplies premises development.
- 6.2 The Part 3A will continue to apply to the land to facilitate the remediation and transfer of excess fill within the wider ILC site. Following the issue of the Occupation Certificate, the Part 3A will cease to apply to the site. These works are necessary to ensure the orderly and economic development of the site as proposed under the Part 4 Development Application.
- 6.3 The modification will facilitate the redevelopment of the southern precinct of the ILC site for a permissible and compatible land use for adjoining residents while also allowing for part of the site to be publicly accessible, which is currently not the case.
- 6.4 The removal of the land from the Enfield ILC site in two stages will not result in a loss of ecological values for the CEA, as the development application and proposed works will ensure that site will still achieve and maintain high ecological values, in that it will not impact on the southern precinct being a buffer between the Enfield ILC and the residential area to the south. The proposed development it will not encroach on the 2 hectares of identified frog habitat.
- 6.5 By excising the land, form the wider Enfield ILC site area, this will ensure consistency and clarity on the proposed future use for the developer and operator(s) of the site, to enable a development application to be determined under Part 4 of the EP & A Act.
- 6.6 The Part 4 DA for the re-use of the Tarpaulin Factory building as a garden centre and hardware and building supplies premises is a significant benefit for the community and surrounding residents as it:
- ensures that the existing State Significant building is retained and repaired;
 - provides a business that will service the local community and residents;
 - improves the visual appearance of the area;
 - is the preferred community use of the existing building;
 - is a low impact use from other potential uses permissible under the current zoning;
 - makes use of and access to a State Significant building that isn't currently accessible (including access to the Pillar Water Tank);
 - will provide appropriate landscaping around the site to compensate for the removal of vegetation from the eastern side of Mt Enfield;
 - maintain the intended height of Mt Enfield to be utilised as a buffer between the Enfield ILC and residents to the south; and
 - will not affect the 2 hectares of frog habitat.
- 6.7 The future use of the building is not intrinsically linked to the current Enfield ILC operations approved under the Part 3A Project Approval.

- 6.8 The Part 4 DA will result in the operation of a compatible land use adjoining a residential area and is deemed to be an appropriate redevelopment of the site which will result in a positive development outcome for the local community and residents.
- 6.9 If this modification is not approved it will not enable the DA to proceed to CC and will unfortunately result in an underutilised site that will have no community benefit and limited opportunity for heritage appreciation.
- 6.10 Accordingly, it is in the best interest of the community that the area proposed for the re-development of the Tarpaulin Factory be excised from the operation of the Part 3A approval and the following condition imposed at 1.4A:

Despite any other provision of this approval, the approval will cease to apply to the land identified as Part Lot 19 DP1183316 and outlined in red on drawing SENP154B if development consent is granted to DA 2016/132, effective from the issue of the first construction certificate in relation to that development consent. The remediation of the land and transfer of material from the land identified as Part Lot 19 DP1183316 and outlined in red on drawing SENP154B will continue to be subject to this approval until the issue of the first Occupation Certificate for works granted under DA 2016/132.



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