

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Minister for Planning and Infrastructure, approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



**The Hon Brad Hazzard MP  
MINISTER FOR PLANNING AND INFRASTRUCTURE**

Sydney 11 DEC 2012 2012

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### SCHEDULE 1

**Project Approval:** 05\_0147 granted by the Minister for Planning on 5 September 2007.

**For the following:** Construction and operation of the Enfield Intermodal Logistics Centre with capacity to accept a maximum throughput of 300,000 TEU (one TEU is equivalent to one twenty foot container) per annum, including:

- 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;
  - 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 or regionally by rail;
  - light industrial/commercial area fronting Cosgrove Road;
  - 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 washdown area, vehicle maintenance shed, and installation of site services (all utilities, stormwater and sewerage).

**Modification:**

MP 05\_0147 MOD 6, comprising inclusion of the former Toll lease area (also known as Area G), subdivision of the Enfield Intermodal Logistics site, identification of sources of meteorological monitoring data and establishment of a timeframe for on-site meteorological monitoring, and adjustments to site layout including:

- amendments to Light Industrial/Commercial Areas W, X, Y and Z, and Empty Container Storage Area A;
- integration of Service and Terminal Areas;
- adjustments to stormwater detention basins; and
- adjustments to permanent noise walls.

## SCHEDULE 2 CONDITIONS

This approval is modified by:

1. Replacing condition 1.1 with the following condition:

1.1 The Proponent shall carry out the project generally in accordance with the:

- a) Major Projects Application 05\_0147;
- b) *Environmental Assessment: Intermodal Logistics Centre at Enfield*, dated October 2005 and prepared by Sinclair Knight Merz (SKM);
- c) response to submissions and revised Statement of Commitments detailed in *Intermodal Logistics Centre: Preferred Project Report* prepared by Sinclair Knight Merz Pty Ltd, dated June 2006;
- d) additional information provided by Sinclair Knight Merz Pty Ltd to the Department titled *Project Changes – Enfield ILC* and dated 14 July 2007;
- e) additional information provided by Sinclair Knight Merz Pty Ltd to the Department titled *Light Industrial and Commercial Area – Enfield ILC* and dated 6 August 2007;
- f) letter from Sydney Ports Corporation titled *Project Approval Modification Application Intermodal Logistics Centre at Enfield*, Sydney Ports Corporation (undated) and received 28 August 2008;
- g) letter from Sydney Ports Corporation titled *Project Approval Modification Application Intermodal Logistics Centre at Enfield*, Sydney Ports Corporation and dated 5 February 2009;
- h) *Intermodal Logistics Centre at Enfield Modification Application ILC-E-PT3A REV A*, Sydney Ports Corporation and dated 31 August 2009;
- i) *Intermodal Logistics Centre at Enfield, Modification Application 05\_0147 – Project Adjustments. Response to Stakeholders submissions (Revision A)*, prepared by Sydney Ports Corporation and dated November 2009;
- j) *Intermodal Logistics Centre at Enfield, Modification Application 05\_0147 – Project Adjustments. Supporting Information to Modification Application*, Prepared by Sydney Ports Corporation and dated 26 March 2010;
- k) *Intermodal Logistics Centre at Enfield, Modification Application 05\_0147 – On Site Management of Unsuitable Engineering Fill* - prepared by Sydney Ports Corporation and dated May 2011;
- l) *Intermodal Logistics Centre at Enfield Modification Application No. 5 On Site Management of Unsuitable Engineering Fill Response to Submissions* prepared by Sydney Ports Corporation and dated August 2011; and
- m) *Intermodal Logistics Centre at Enfield, Modification Application No.6 Early Contractor Involvement Detailed Design Adjustments and Subdivision*, prepared by Sydney Ports and dated April 2012;
- n) *Intermodal Logistics Centre at Enfield, Modification Application No.6 ECI Detailed Design Adjustments and Subdivision*, prepared by Sydney Ports and dated July 2012;
- o) *Plan of Proposed Subdivision of the Intermodal Logistics Centre, Cosgrove Road, Enfield DWG: 120225SUB-7* and dated 28 September 2012;
- p) the conditions of this approval.

2. Replacing condition 1.2 with the following condition:

1.2 In the event of an inconsistency between:

- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1o) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- b) any of the documents listed from condition 1.1a) to 1.1o) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3. Replacing condition 1.6 with the following condition:
- 1.6 The Proponent is permitted to construct and operate six warehouses on the site (A to F inclusive) associated with the project. Each warehouse shall only be permitted to operate for the purpose of freight handling, container handling, temporary freight storage and/ or packaging/ repacking, or for activities ancillary to these uses, or the intermodal terminal and empty container storage areas. Each warehouse shall not exceed a height of 12 metres at its highest point (excluding minor ancillary structures such as communications equipment or solar panelling), and shall be limited to a footprint no greater than the relevant area specified in Table 1 below. Warehouses shall be generally located and configured consistent with the adjustments made during the detailed design stage as presented in the documents referred to under conditions 1.1m) and 1.1n) of this approval, and particularly, drawing No. SEDP188A (dated 9 July 2012).

**Table 1- Maximum Warehouse Footprints**

| Warehouse | Maximum Footprint (m <sup>2</sup> ) |
|-----------|-------------------------------------|
| A         | 20,500                              |
| B         | 20,500                              |
| C         | 4,000                               |
| D         | 3,000                               |
| E         | 4,500                               |
| F         | 13,500                              |

4. Replacing condition 1.9 with the following condition:
- 1.9 The Proponent is permitted to construct and operate a light industrial/ commercial area comprising four precincts (W to Z inclusive) associated with the project, generally in accordance with the documents referred to under conditions 1.1e), 1.1m) and 1.1n). The light industrial/ commercial area shall only be permitted to operate for the purpose of development associated with, or ancillary to the intermodal terminal, empty container storage areas and related warehousing, or otherwise consistent with the general principles of the Strathfield Consolidated Development Control Plan 2005 (in particular, that component of the Plan formerly being Development Control Plan No. 27 – Industrial Development). Each building within the light industrial/commercial area shall not exceed a height of 12 metres at its highest point (excluding minor ancillary structures such as communications equipment or solar panelling), with the gross floor area for each precinct limited to no greater than the relevant area specified in Table 2 below.

**Table 2 - Maximum Precinct Gross Floor Areas**

| Light Industrial/ Commercial Precinct | Maximum Gross Floor Area (m <sup>2</sup> ) |
|---------------------------------------|--|
| W                                     | 14,995                                     |
| X                                     | 4,191                                      |
| Y                                     | 7,790                                      |
| Z                                     | 14,013                                     |

5. Replacing condition 1.11 with the following condition:
- 1.11 Prior to the commencement of construction within each precinct of the light industrial/ commercial area, the Proponent shall submit final designs and layouts for the precinct to the Director-General, demonstrating that the precinct is generally consistent with:
- a) the designs and layouts presented in the documents referred to under conditions 1.1e), 1.1m), and 1.1n) of this approval;

- b) the design specifications detailed under condition 1.9 of this approval; and
- c) the general principles presented in the *Strathfield Consolidated Development Control Plan 2005* (in particular, that component of the Plan formerly being *Development Control Plan No. 27 – Industrial Development*).

Note: Nothing in this condition relieves the Proponent from any other obligation in the *Environmental Planning and Assessment Act 1979* with regard to building design and certification, including compliance with the Building Code of Australia.

6. Inserting the following condition after condition 1.11:

**Toll Lease Area**

1.11A The Proponent shall ensure that operations in the former Toll lease area (also known as Area G) are generally consistent with former operations. Physical works on the site shall be limited to minor upgrades and/or repair and maintenance of the existing buildings, pavement and infrastructure.

7. Inserting the following conditions after condition 1.12

**Water Authority Compliance Certificate**

1.13 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate). The application must be made through an authorised Water Servicing Coordinator.

1.14 The section 73 Compliance Certificate must be obtained from Sydney Water Corporation and submitted to the Principal Certifying Authority prior to issue of a subdivision certificate, and show that the development has met the detailed requirements of Sydney Water Corporation.

**Subdivision and Easements**

1.15 The Proponent may subdivide the land generally in accordance with the subdivision plan DWG:120225SUB-7 included at Appendix 1 of this approval. However, prior to obtaining a subdivision certificate, the Proponent shall prepare and submit to the Director-General a final subdivision plan for the land. The final subdivision plan shall be generally consistent with the plan included at Appendix 1 of this approval (including the number of lots, the proposed use of each lot, and lot sizes).

1.16 Land uses and operations within each lot shall be consistent with the approved project as described in conditions 1.1a) to 1.1o) and meet the requirements of this approval.

1.17 Prior to the issuing of the subdivision certificate, the Proponent shall ensure that each lot is connected to services, drainage and utilities.

1.18 Easements for services, drainage, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision of the site, shall be created over those lots pursuant to the *Conveyancing Act 1919*.

- 1.19 Documentary evidence of the proposed easements shall be provided to, and be to the satisfaction of the relevant certifying authority.

Note: Any easements in the subdivision plan must nominate Strathfield Council or other relevant authority as the authority to release, vary or modify the easement. The form of the easement must be in accordance with Council's standard recitals for terms of easements, or the standard form of easements accepted by NSW Land and Property Information.

- 1.20 Prior to occupation and/or operation, the Proponent shall provide to the relevant certifying authority evidence that all matters required to be registered on title, including easements required by this approval and any approvals or consents, have been lodged for registration or registered at the NSW Land and Property Information.

8. Replacing condition 2.20 with the following condition:

2.20 The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the site, in accordance with:

- a) AM-1 Guide to Siting of Sampling Units (AS 2922-1987);
- b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987); and
- c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications.

The Proponent shall install the meteorological monitoring station prior to the commencement of site preparation or construction works and shall use the station to undertake the monitoring required under condition 3.1 of this approval, until all large exposed areas have either been landscaped or sealed.

This condition does not preclude the Proponent from reaching agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, provided the outcomes of this condition are achieved.

During periods of repair or maintenance of the meteorological monitoring station, the Proponent may utilise weather data collected at the Canterbury Racecourse Automatic Weather Station, operated by the Bureau of Meteorology, or other nearby Bureau of Meteorology Stations in the event that the Canterbury station is offline.

9. Replacing condition 2.31 with the following condition:

2.31 The Proponent shall construct and maintain stormwater detention basins on the site, generally consistent with the basin sizes/ locations presented in the document referred to under conditions 1.1m) and 1.1n) of this approval. Opportunities to reuse stormwater from detention basins for ecological areas or for site operations shall be investigated during detailed design of the project, and where practicable, the Proponent shall utilise collected water preferentially to external potable water supplies for operational activities on the site, subject to testing to confirm the suitability of collected water quality.

10. Replacing condition 3.1 with the following condition:

3.1 From the commencement of site preparation and construction works associated with the project, the Proponent shall continuously monitor, utilising the meteorological monitoring station referred to under condition 2.20 of this approval, each of the parameters listed in Table 4, utilising the sampling method indicated and applying a 15-minute average period to all results, and recording data in units specified in the Table.

**Table 4 – Meteorological Monitoring**

| Parameter                    | Units of Measure | Sampling Method* | Method                                      |
|------------------------------|------------------|------------------|---|
| Temperature at two metres    | °C               | AM-4             | USEPA (2000) EPA 454/ R-99-005              |
| Temperature at ten metres    | °C               | AM-4             | USEPA (2000) EPA 454/ R-99-005              |
| Wind speed at ten metres     | ms <sup>-1</sup> | AM-2 and AM-4    | AS 2923-1987; USEPA (2000) EPA 454/R-99-005 |
| Wind direction at ten metres | °                | AM-2 and AM-4    | AS 2923-1987; USEPA (2000) EPA 454/R-99-005 |
| Solar radiation              | Wm <sup>-2</sup> | AM-4             | USEPA (2000) EPA 454/ R-99-005              |

\*refer *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA, 2005)*

During periods of repair or maintenance of the meteorological monitoring station, the Proponent may utilise weather data collected at the Canterbury Racecourse Automatic Weather Station, operated by the Bureau of Meteorology, or other nearby Bureau of Meteorology Stations in the event that the Canterbury station is offline.

11. Replacing condition 3.3 with the following condition:

3.3 Within 90 days of the project reaching annual throughput of 50,000 TEU, 150,000 TEU and 250,000 TEU, and within 30 days of commencement of operations in Empty Container Storage Area A, or as may be directed or agreed by the Director-General, and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a program to confirm the noise emission performance of the project. The program shall include, but not necessarily be limited to:

- a) noise monitoring, consistent with the guidelines provided in the *New South Wales Industrial Noise Policy* (EPA, 2000), to assess compliance with condition 2.17 of this consent;
- b) methodologies, locations and frequencies for noise monitoring;
- c) identification of monitoring sites at which pre- and post-project development noise levels can be ascertained;
- d) details of any complaints received in relation to noise generated by the project;
- e) an assessment of night-time use of audible alarm systems;
- f) an assessment of the effectiveness of stacked empty containers as acoustic barriers in Empty Container Storage Area A;
- g) details of any noise mitigation measures and timetables for implementation;
- h) a statement of whether the site is in compliance with the noise limits outlined in condition 2.17; and
- i) recommendations and timetables for implementation for any reasonable and feasible additional measures necessary to ensure compliance with the relevant noise-related conditions of this approval.

12. Replacing condition 6.5 with the following condition:

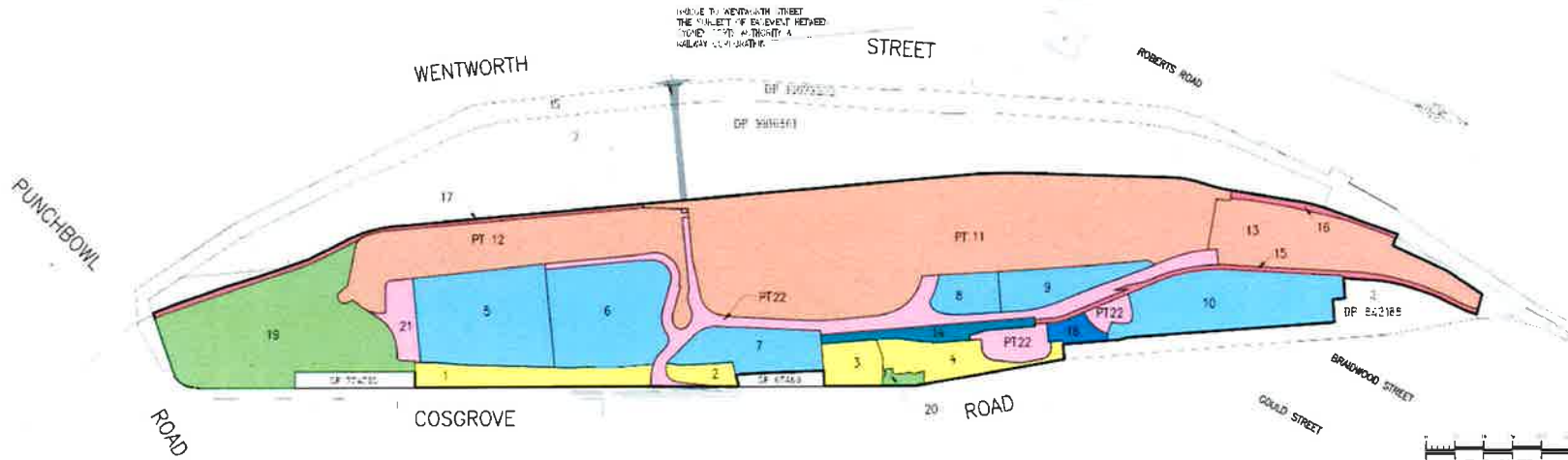
6.5 As part of the Operation Environmental Management Plan for the project, required under condition 6.4 of this approval, the Proponent shall prepare and implement the following Management Plans:

- a) an **Operation Noise Management Plan** to outline monitoring, management procedures and measures to minimise operational noise impacts associated with the project, including traffic-related noise. The Plan shall include, but not necessarily be limited to:
  - i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval;
  - ii) identification of activities that will be carried out in relation to the project and the associated noise sources;
  - iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval;
  - iv) details of management measures, methods and procedures that will be implemented to control individual and overall noise emissions from the site and specific land uses to ensure compliance with condition 2.17;
  - v) details of the management measures and procedures that will be implemented in Empty Container Storage Areas A and B to ensure that acoustic barriers constructed from empty storage containers are established at the correct time, height, length, and location to ensure compliance with condition 2.17;
  - vi) details of the management measures that will be undertaken to ensure that activities undertaken in Empty Container Storage Area B in the area to the north of the northern noise wall, including the restriction of container stacking, comply with the requirements of condition 2.17;
  - vii) development of reactive and pro-active strategies for dealing promptly with any noise complaints;
  - viii) noise monitoring and reporting procedures; and
  - ix) regular internal audits of compliance of all plant and equipment with acceptable design noise.

13. Inserting the following appendix after condition 7.3.

| LOT        | DESCRIPTION                                   | AREA       |
|------------|---|------------|
| 1          | FREESHOP LOT - UNIT INDUSTRIAL/COMMERCIAL LOT | 4,324.00   |
| 2          | FREESHOP LOT - UNIT INDUSTRIAL/COMMERCIAL LOT | 4,324.00   |
| 3          | FREESHOP LOT - UNIT INDUSTRIAL/COMMERCIAL LOT | 4,324.00   |
| 4          | FREESHOP LOT - UNIT INDUSTRIAL/COMMERCIAL LOT | 4,324.00   |
| 5          | LEASHHOLD TENANT LOT - WAREHOUSE TYPE 1/2     | 10,200.00  |
| 6          | LEASHHOLD TENANT LOT - WAREHOUSE TYPE 1/2     | 10,200.00  |
| 7          | LEASHHOLD TENANT LOT - WAREHOUSE TYPE 1/2     | 10,200.00  |
| 8          | LEASHHOLD TENANT LOT - WAREHOUSE TYPE 1/2     | 10,200.00  |
| 9          | LEASHHOLD TENANT LOT - WAREHOUSE TYPE 1/2     | 10,200.00  |
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| 100        | LEASHHOLD TENANT LOT - WAREHOUSE TYPE 1/2     | 10,200.00  |
| TOTAL AREA |   | 200,250.00 |

PLAN OF PROPOSED SUBDIVISION OF THE  
INTERMODAL LOGISTICS CENTRE  
COSGROVE ROAD, ENFIELD



CONTRACT PLAN  
Plan compiled from  
architectural CAD data.  
Plan is subject to final  
survey after completion  
of construction.

|                 |              |  |                       |             |            |   |
|-----------------|--------------|--|-----------------------|-------------|------------|---|
| Subsidiary      | TASY MOKATTS | PLAN OF PROPOSED SUBDIVISION OF<br>LOT 2 DP 1006866, LOT 101<br>DP 1007498 & LOT 14 DP 1007502 | L.A.                  | STRATHFIELD | REGISTERED | DWG: 120225SUB-7<br>PRINTED 28 SEPT 2012<br>(ISSUE 7) |
| Date of Survey  | / /          |  | Locality              | ENFIELD     |            |   |
| Surveyor's Ref. | 120225       |  | Subdivision No.       |             |            |   |
|                 |              |  | Lot/s to be Purchased | 1006866     |            |   |

