

Modification of Project Approval

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

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

David Gainsford
Executive Director
Priority Projects Assessments

Sydney 19th June. 2018

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 wash-down area, vehicle maintenance shed, and installation of site services (all utilities, stormwater and sewerage).

Modification:

MP 05_0147 MOD 13 for earthworks, remediation and materials transfer to facilitate development under DA 2016/132 within the Tarpaulin Factory area on part of Lot 19 DP 1183316.

The above approval (MP05_0147) is modified as follows:

SCHEDULE 2

- A) Condition 1.1 is amended by the deletion of the ~~struck-out~~ words/numbers and the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers as follows:

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;
- 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) *Intermodal Logistics Centre: Enfield Modification Application No 8 Subdivision – Changes and Amendments*, prepared by NSW Ports and dated 2 September 2013;
- p) *Addendum Assessment Report, Modification No.8 to Major Project MP 05_0147 – Intermodal Logistics Centre (ILC) at Enfield: Subdivision Changes and Amendments*, prepared by NSW Ports and dated 19 September 2013;

- q) *Environmental Assessment – Modification Application No. 11 – Additional warehouse prepared by TfA Project group dated September 2016 and supporting information dated 6 December 2016 and 23 December 2016;*
- r) *Environmental Assessment – Modification Application No. 12 – Extension of Existing Rail Sidings and Administration Office Expansion prepared by TfA Project Group dated November 2016 and supporting Noise Impact Assessment prepared by SLR Consulting dated 3 November 2016;*
- s) Environmental Assessment – Modification Application No. 13 – 127 Cosgrove Road, South Strathfield, prepared by LJB Urban Planning dated August 2017; and the associated Remediation Action Plan (RAP), 127 Cosgrove Road, South Strathfield, NSW, Flower Power Group, prepared by ZOIC, February 2017; Green and Golden Bell Frog Conservation Measures Tarpaulin Shed Site Enfield, prepared by Biosphere Environmental Consultants, 27 November 2016; and email titled RE: Enfield Intermodal Logistics Centre MOD 13, prepared by LJB Urban Planning Pty Limited, dated 28 May 2018; and**

s)t) the conditions of this approval.

B) Condition 1.2 is amended by insertion of the following:

1.2 In the event of an inconsistency between:

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

1.2A Notwithstanding condition 1.2, in relation to the construction and operation of the development approved under DA 2016/132 at 127 Cosgrove Road, in the event of any inconsistency between the conditions of this approval and the conditions of consent for DA 2016/132, the conditions of consent for DA 2016/132 shall prevail.

1.2B Subject to condition 1.2C, despite any other provision of this approval, the approval does not impose any obligations on a person merely because that person is carrying out the development approved under DA 2016/132 at 127 Cosgrove Road.

1.2C A person who is remediating land and (in the course of so doing) is transferring material from the land identified as Part Lot 19 DP1183316 and outlined in red on drawing SENP154B is subject to obligations under this approval in relation to that work — and if condition 1.2B would otherwise apply — that person's obligations under this project approval cease when a site audit statement is submitted under condition 2.43A.

C) Condition 1.3B is inserted as follows:

1.3B With the approval of the Secretary, the Proponent may:

- a) **prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);**
- b) **combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and**

- c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

If the Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.

If approved by the Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

D) Conditions 2.43A - 2.43C are inserted as follows:

2.43A Prior to commencement of works approved under DA 2016/132 for construction and operation of a garden centre and hardware and building supplies facility, a final Site Audit Statement for the Tarpaulin Factory Site must be prepared by an accredited Site Auditor certifying that the contaminated areas have been suitably remediated. The Site Audit Statement is to be submitted to the Secretary and Strathfield Council. In addition, a plan showing the extent of remediation within the Tarpaulin Factory Site is to be provided to the Secretary.

2.43B Within one month of remediation of the Tarpaulin Factory Site, a long-term contamination management plan is to be submitted to the Secretary for approval. The plan is to be implemented for the duration of operation of the development approved under DA 2016/132.

2.43C Within one year of commencement of operation of the development approved under DA 2016/132, the location of remediated contaminated material on the ILC site shall be registered on the title of the land.

E) Condition 6.3 is amended by the insertion of the following additional Environmental Management Plan:

g) Tarpaulin Factory Area Earthworks Environmental Management Plan which shall include but not be limited to:

- i) the measures contained in the letter - Green and Golden Bell Frog Conservation Measures Tarpaulin Shed Site Enfield, prepared by Biosphere Environmental Consultants, 27 November 2016.
- ii) measures to minimise dust emissions in accordance with conditions 2.22 to 2.27 including measures to mitigate potential dust impacts on Green and Golden Bell Frog habitat;
- iii) measures to minimise soil erosion in accordance with condition 2.29 and to ensure only clean surface water flows are discharged to the frog ponds;
- iv) management of stockpiles in accordance with condition 2.30;
- v) management of waste and remediation of the site in accordance with conditions 2.39 to 2.42, 2.44 and the Remediation Action Plan (RAP), 127 Cosgrove Road, South Strathfield, NSW, Flower Power Group, prepared by ZOIC, February 2017 including air quality monitoring for asbestos;
- vi) measures to verify that imported material is consistent with that specified in the RAP;
- vii) landscaping of disturbed areas in accordance with the Landscape and Ecological Area Management Plan under condition 6.3d);
- viii) protection of heritage items including the relocated Pillar Water Tank; and
- ix) unexpected finds protocol.

A copy of the approved Tarpaulin Factory Area Earthworks Environmental Management Plan is to be provided to Strathfield Council.

End of Modification