

Modification of Minister's Approval

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

As delegate of the Minister for Planning, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Dominic Crinnion
Acting Director
Social and Other Infrastructure Assessments

Sydney 28 August 2018

SCHEDULE 1

Project Approval:

MP05_0417 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:

MP05_0417 MOD 14:

- Amended warehouse precincts and layouts;
- Increase in combined warehouse and light industrial gross floor area (GFA) by approximately 15,340 m² to 25,630 m², including conversion of approximately 33,600 m² of the 40,989 m² GFA of approved light industrial/ commercial uses to warehousing and distribution uses, and reduction of light industrial / commercial GFA from 40,989 m² to 7,384 m²;
- Increase in the number of warehouses from 7 to 13;
- Increase in combined carparking facilities and loading bays by 304 to 816;
- Increase in height of warehouses from 12 m to 13.7 m;

- Removal of the restriction on use of warehousing, other than for Precincts A & D;
- Allowing truck-to-truck freight movements in Precincts C, E, F and H;
- Extension of operating hours to 24/7 in Precinct E and over the entire footprint of warehouse C1; and
- Demolition and earthworks, including importation of 53,000 m³ of fill.

SCHEDULE 2 CONDITIONS

The above approval (MP05_0147) is modified as follows:

General

1. Delete all references to 'Director-General' and replace with 'Planning Secretary'.
2. Delete all references to 'Department of Planning' and replace with 'Department of Planning and Environment'.
3. Delete all references to 'DECC' and replace with 'OEH', except in condition 6.4, where replace references to 'DECC' with 'EPA'.
4. Delete all references to 'NSW Heritage Office' and replace with 'OEH (Heritage Division)'.
5. Delete all references to 'RTA' and replace with 'RMS'.
6. Delete all references to 'Bankstown City Council' and replace with 'Canterbury Bankstown Council'.

Definitions

7. In the list of definitions, delete the terms 'DECC', 'Director-General, the', 'EPA' and 'RTA', and their definitions, and insert the following terms and definitions in alphabetical order:

applicable authority	For the purposes of conditions 2.6A and 2.6B, the relevant owner and provider of services that are likely to be affected by the development
EPA	Environment Protection Authority
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
Planning Secretary, the	Secretary of the Department of Planning and Environment (or delegate).
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>

Terms of Approval

8. Delete sub-condition 1.1(t) in Schedule 2 and replace with the following:
 - t) Environmental Assessment – Modification No. 14 – Modification of Built Form and operational parameters prepared by Urbis dated January 2018, and Enfield ILC, Strathfield South MP 05_0147 MOD14 – Response to Submissions submitted by Goodman on 8 June 2018; and
 - u) the conditions of this approval
9. Delete condition 1.2 in Schedule 2 and replace with 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 1.1t) 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 1.1t) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Limits of Approval

10. Delete conditions 1.5 and 1.6 in Schedule 2 and replace with the following:
 - 1.5 The project shall be limited to a maximum throughput of 300,000 TEU per annum, for the rail to intermodal terminal interface and warehousing interface.

Note: For the avoidance of doubt, this does not include internal TEU movements.

- 1.6 The Proponent is permitted to construct and operate warehouses across six precincts on the site (A, C, D, E, F and H) associated with the project, generally in accordance with the documents referred to under condition 1.1 t). Warehouses are permitted to be used for freight handling, packing/re-packing, storage and distribution, and for activities ancillary to these uses. Each warehouse shall not exceed a height of 13.7 metres at its highest point (excluding minor ancillary structures such as communications equipment, air conditioning units, or solar panelling), and shall be limited to a footprint no greater than the relevant area specified in Table 1 below.

Table 1 - Maximum Gross Lettable Area (per precinct)

Precinct	Maximum Gross Lettable Area (m ²)
A	62,600
C	10,487
D	11,460

E	7,604
F	9,620
H	16,475

Light Industrial/ Commercial Area

11. Delete condition 1.8 and 1.9 in Schedule 2 and replace with the following:
- 1.8 Prior to the commencement of construction of each warehouse, the Proponent shall submit final designs for the warehouse to the Planning Secretary, demonstrating that the warehouse is generally consistent with:
- the warehouse designs and layouts presented in the documents referred to under condition 1.1t) of this approval;
 - the design specifications detailed under condition 1.6 of this approval;
 - the findings and recommendations of any approved risk assessment undertaken in accordance with condition 1.7 of this approval; and
 - 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.

- 1.9 The Proponent is permitted to construct and operate a light industrial/ commercial area comprising one precinct associated with the project, generally in accordance with the documents referred to under condition 1.1t). 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 13.7 metres at its highest point (excluding minor ancillary structures such as communications equipment, air conditioning units, or solar panelling), with the gross floor area for the precinct limited to no greater than the relevant area specified in Table 2 below.

Table 2 - Maximum Precinct Gross Lettable Areas

Light Industrial/ Commercial Precinct	Maximum Gross Lettable Area (m ²)
B	7,384

12. Delete conditions 1.11 and 1.11A in Schedule 2 and replace with the following:
- 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:
- the designs and layouts presented in the document referred to under conditions 1.1 t) of this approval;
 - the design specifications detailed under condition 1.9 of this approval; and
 - 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.

Toll Lease Area

- 1.11A The Proponent shall ensure that operations in the former Toll lease area (also known as Precinct D) are generally consistent with former operations.

Subdivision and Easements

13. Delete condition 1.15 and 1.16 in Schedule 2 and replace with the following:
- 1.15 The Proponent may subdivide and/or consolidate the land generally in accordance with the subdivision plan EILC MP04 (B) included at Appendix 1 of this approval. The Proponent shall prepare and submit to the Planning Secretary a final subdivision/consolidation 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 1.1t) and meet the requirements of this approval.

Traffic and Transport Impacts

14. Insert the following in Schedule 2:

Intermodal operations

- 2.2A The proponent is to provide an **Intermodal Freight Transportation Report**, prepared by an independent qualified person(s) approved by the Planning Secretary.

The purpose of the Intermodal Freight Transportation Report is to detail how the Proponent is working to increase the modal share of rail, and is to include the following:

- a) the number of twenty-foot equivalent shipping containers despatched and received during the period;
- b) modal splits of container volumes (in TEUs), provided by the warehouse operators and/or the intermodal operators, moved in/out of the project by:
 - i. rail-to-truck/truck-to-rail, and
 - ii. truck-to-truck;
- c) representative vehicle origins and destinations, based on data from the warehouse operators and/or the intermodal operators;
- d) review of recorded actual traffic generation against the traffic model referred in, and the findings of, the report titled *Traffic Impact Assessment Enfield Intermodal Logistics Centre; Cosgrove Road, Enfield MOD 14 Ref: 0440r03v5* (Ason Group, 26 February 2018);
- e) a constraints and opportunities analysis to assist with identifying measures to increasing the modal split of container movements via rail-to-truck/truck-to-rail; and
- f) a future forecast outlining expected TEU volume despatched and received on rail, demonstrating how the Proponent is using the opportunities identified above, subject to the constraints identified, to assist with switching the main mode of transport for container TEUs to rail.

The report is to be submitted throughout operation of the project, with the first report to be submitted one year after the commencement of operation of the first warehouse/s permitted as part of the approval of MP 05_0147 MOD 14, unless otherwise agreed by the Planning Secretary. Subsequent reports will be completed and submitted to the Planning Secretary on a two-yearly basis, or as otherwise agreed.

Note: Subject to condition 1.3B, the requirements of this condition are in addition to the requirements of the Traffic and Capacity Monitoring Program and the Traffic Audit required under conditions 3.6-3.9, and the Proponent may elect to address the requirements of any of those conditions in a consolidated document.

- 2.2B A framework for recording and reporting on the data required for the report required under condition 2.2A is to be prepared by an independent qualified person(s) approved by the Planning Secretary, and submitted to the Planning Secretary for approval three months prior to the commencement of operation of any warehouse permitted as part of the approval of MP 05_0147 MOD 14.

The Proponent shall prepare the report required under condition 2.2A in accordance with the framework for recording and reporting approved by the Planning Secretary under this condition from time to time.

- 2.2C The Proponent is to comply with any reasonable additional operation traffic management measures as directed by the Planning Secretary in consultation with Transport for NSW and RMS following review of any Intermodal Freight Transportation report, Traffic and Capacity Monitoring Program, or Traffic Audit.

On-Site Traffic Management and Parking

15. Delete condition 2.3 in Schedule 2 and replace with the following:

- 2.3 The Proponent shall design, construct and maintain all internal road works, including the associated 816 parking facilities and loading bays for operational areas associated with the ILC, warehouses and light industrial/commercial uses, to meet or exceed the following requirements:
- (a) compliance with the provisions of relevant Australian Standards, RTA standards and guidelines;
 - (b) installation of clear signage to demarcate all vehicle movements within the site;
 - (c) provision of directional pavement arrows on all internal roads, and line-marking and signage to indicate designated truck routes and bays;

- (d) internal roadways wide enough to accommodate through traffic and turning two-way traffic;
- (e) design of site ingress and egress points to ensure that vehicles enter and leave the site in a forward direction;
- (f) installation and maintenance of any landscaping on the site so as not to affect driver sight distance for vehicles entering and exiting the site; and
- (g) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.

16. Insert the following in Schedule 2:

- 2.3A The Proponent must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary prior to issue of any Occupation Certificate for any warehouse permitted as part of the approval of MP 05_0147 MOD 14. The Proponent must ensure that the Work Place Travel Plan (as revised from time to time) is implemented for the life of the Project.

Local Area Traffic Management

17. Insert the following in Schedule 2:

- 2.6A Before the commencement of construction of any warehouse sharing a boundary with public infrastructure and permitted as part of the approval of MP 05_0147 MOD 14, the Applicant must:
- (a) consult with the applicable authority to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure that shares a boundary with the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- 2.6B Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage.

Waste Generation and Management

18. Delete condition 2.43 in Schedule 2 and replace with the following:

- 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 Planning Secretary a Site Audit Statement(s), prepared by an accredited Site Auditor under the *Contaminated Land Management Act 1997*, 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, and any associated long term environmental management plan (LTEMP), is to be submitted to the Planning Secretary prior to operation of the remediated site(s).

19. Insert the following in Schedule 2:

- 2.43C Prior to commencement of operation of the development permitted as part of the approval of MP 05_0147 MOD 14, a Validation Report is to be prepared by an Environmental Consultant, and a final Site Audit Statement for the warehousing precincts must be prepared by a NSW EPA accredited site auditor stating that the contaminated areas have been remediated to a standard suitable for the proposed use. The Validation Report and the Site Audit Statement are to be submitted to the Planning Secretary and Strathfield Council. A plan showing the extent of remediation in the warehousing precinct is also to be provided to the Planning Secretary.

20. Delete condition 2.44 in Schedule 2 and replace with the following

- 2.44 The Proponent shall manage any asbestos or asbestos-contaminated materials that may be uncovered during the construction, commissioning and operation of the project strictly in accordance with the requirements under Protection of the Environment Operations (Waste) Regulation 2014 and any guidelines or requirements issued by the EPA in relation to those materials.

Ecological Impacts

21. Delete condition 2.48A in Schedule 2 and replace with the following:

- 2.48A The Proponent shall implement the mitigation measures identified in Section 7.1 of the ILC at Enfield Impact Assessment on Green and Golden Bell Frogs: Addition of Fill Material to Mt Enfield (Biosphere Environmental Consultants Pty Ltd, 2011), the supplementary letter of advice dated 10 January 2018 (Biosphere Consultants Pty Ltd, 2018), and the following:

- (a) the installation of an exclusion fence to help prevent frogs from entering the construction site;
- (b) the installation of silt fences and silt trapping devices prior to any earthworks, and the use of dust suppression methods throughout construction, to prevent wind-blown dust from entering the frog habitat area;
- (c) the establishment of run-off barriers between the construction areas and the frog habitat area, to prevent accidental spills and/or stormwater waste from entering the frog habitat area;
- (d) the installation of visual screens to minimise light spill into the frog habitat area, from night construction works;
- (e) the demarcation of the frog habitat area as a "no go" area, using barrier bunting and signs that indicate the significance of the area and that the site is off limits to people, machinery and plant equipment;
- (f) the installation of an exclusion fence to help prevent frogs from entering the operational areas;
- (g) the installation of diversion bunds to ensure hazardous liquids can never enter the frog habitat area; and
- (h) the installation of visual screens to minimise light spill into the frog habitat area, from trucks and plant equipment operating throughout the night.

These actions shall be incorporated within the Construction Environmental Management Plan (condition 6.2 of this approval) and the Operation Environment Management Plan (condition 6.4 of this approval), as relevant.

Construction Environmental Management Plan

22. Insert the following in condition 6.3:

- h) a Fill Importation Protocol (FIP) outlining the requirements of the imported fill, including the source and type, and containing the requirement to place and compact imported material as fill immediately upon arrival to the site. The FIP is to include the requirement that only virgin excavated natural material/ excavated natural material can be imported from off-site. All bulk earthworks should be undertaken in accordance with the approved FIP.

23. Delete sub condition 6.3 b) and replace with the following:

- (b) Construction traffic measures including:
 - i. a Construction Traffic Management Protocol to detail how heavy vehicle movements associated with the project will be managed during construction. The Protocol shall specifically address the movement of oversize loads to and from the site, the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials; and
 - ii. a Driver's Code of Conduct which details traffic management measures to be implemented during construction to:
 - minimise impacts of the project on the local and regional road network,
 - minimise conflicts with other road users,
 - ensure truck drivers use specific routes and access points, including no left turn access from Cosgrove Road, and
 - minimise traffic noise, particularly during night times hours;

Operation Environmental Management Plan

24. Insert the following in sub condition 6.5 b), after sub condition i)

- i-a) a Driver's Code of Conduct which details traffic management measures to be implemented during operation to:
 - minimise impacts of the project on the local and regional road network,
 - minimise conflicts with other road users,
 - ensure truck drivers use specific routes and access points, including no left turn access from Cosgrove Road, and
 - minimise traffic noise, particularly during night times hours.

Appendix 1

25. Delete the plan attached as part of Appendix 1, and replace with the subdivision plan titled EILC MP04 (B).