

Modification of Approval

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

I, the Director-General, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 4 March 2009, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.

SHaddad

Sam Haddad
Director-General
as delegate for the Minister for Planning

Sydney, 30th March 2009

MOD 2 (MP 05_0147)

SCHEDULE 1

Project Approval:

granted by the Minister for Planning on 5 September 2007 (MP 05_0147).

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

- o 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:

Insertion of condition 1.3A to allow the project to be constructed and/or operated in stages.

Amendment to condition 2.43 in relation to remediation of contaminated lands and the timing of the submission of Site Audit Statement(s) required under the *Contaminated Lands Management Act 1997*. As a consequence, amendments are also made to conditions 1.1 and 1.2.

SCHEDULE 2

The approval is modified as follows:

1. replacing existing condition 1.1 with new condition 1.1 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; and
- h) the conditions of this approval.

2. replacing existing condition 1.2 with new condition 1.2 as follows:

1.2 In the event of an inconsistency between:

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

3. inserting a new condition 1.3A as follows:

1.3A The Proponent may construct and/or operate the project in stages with commensurate staging of compliance with the conditions of this approval. Where the project is to be staged, the Proponent shall submit details of the staging to the Director-General, including details of how compliance with the conditions of this approval will be met.

4. replacing existing condition 2.43 with new condition 2.43 as follows:

2.43 Prior to the commencement of site preparation and construction works associated with the project that may directly disturb known 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 *Contaminated Land Management Act 1997*, verifying that the area of the site on which construction is commencing 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).