

Modification 15 of Enfield Intermodal Terminal

State Significant Infrastructure Modification Assessment Report (MP05_0147-Mod-15)

22 November 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

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Modification 15 of Enfield Intermodal Terminal (MP05_0147-Mod-15)
Modification Assessment Report

Cover image: Photograph of the site taken by Department officers from Punchbowl Road in August 2023

Published: 22 November 2023

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1 Introduction

This report provides an assessment of an application to modify the State significant infrastructure (SSI) approval (MP 05_0147) for the Enfield Intermodal Logistics Centre (Enfield ILC) in Strathfield South.

The modification application seeks to update the Enfield ILC approval to reflect and recognise a separate development consent (DA2022/68) granted by the Strathfield Local Planning Panel in November 2022 for a garden centre at the former Tarpaulin Factory in the Enfield ILC.

The request to modify the approval was lodged on 31 July 2023 by LJB Urban Planning Pty Ltd (the Proponent) pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Project location

The Tarpaulin Factory site is located at 127 Cosgrove Road, Strathfield South in the Strathfield local government area (LGA) and within the Greater Sydney region of NSW (see **Figure 1** and **Figure 2**). The site has an area of approximately 2.16 hectares, is irregular in shape and has dual frontage to Punchbowl Road and Cosgrove Road.

The site is a residual portion of the Enfield ILC and is legally described as Lot 19 DP 1183316. The Enfield ILC, formerly known as the Enfield Marshalling Yard, is located at Cosgrove Road, Strathfield South, within the Strathfield LGA, adjoining Canterbury Bankstown LGA to the northwest. The Enfield ILC site is approximately 60 hectares (ha) in total, approximately 0.5 km wide and 2 km long. The site is surrounded by the suburbs of Greenacre and Chullora to the east, Belfield to the south, Rookwood to the north and Strathfield South to the east.

The Enfield ILC approval included development of an intermodal terminal and railway lines, warehousing, administration buildings and light industrial/commercial areas fronting Cosgrove Road. It included a southern precinct in which a 'community and ecological area' (CEA) was identified to provide habitat for the threatened Green and Golden Bell Frog (GGBF) and a fenced, publicly accessible footpath and lookouts along the ridge of Mount Enfield. The southern precinct also contained the Tarpaulin Factory site. The southern precinct is intended to provide a buffer between Enfield ILC operations and residents to the south.

Mount Enfield, located to the west of the Tarpaulin Factory, was progressively constructed during the remediation of the Enfield ILC by relocating material unsuitable for engineering fill on and around an existing stockpile at the south of the site. Mount Enfield has been progressively capped

with clean fill (at least 0.1m depth) during its construction, flattened, landscaped and a footpath and lookout area constructed on its ridge.



Figure 1 | Site Location



Figure 2 | Aerial view of approximate site area Tarpaulin Factory

The Tarpaulin Factory site consists of 2 conjoined, large span, gabled buildings. The external walls and roofs are framed and cladded/lined in corrugated iron. Other ancillary structures include the former Waxing Annex to the north of the Tarpaulin Factory and concrete Pillar Water Tank and steel water tank stand (without tank) to the south of the Tarpaulin Factory.

The Tarpaulin Factory was originally built near Central Railway Station in about 1890. It was dismantled to make way for railway upgrades and was reconstructed at Enfield in 1925. The open configuration of the building enabled the sewing and assembly of tarpaulins, which were used by NSW railways to protect goods on rail wagons. The factory closed in 1991 due to the transition to containerisation.

The Pillar Water Tank, installed in the Enfield Marshalling Yard around 1919, was used to provide water for steam powered locomotives. It gradually became redundant due to the transition to electric and diesel-powered locomotives in the 1950s and 60s. It was moved to its current location and restored in 2013. It is the only surviving example of a pillar water tank in NSW.

On 5 September 2007, the Sydney Ports Corporation (now NSW Ports) sought and was granted approval under the former Part 3A of the EP&A Act for the construction and operation of the Enfield ILC (MP 05_0147). The approval permitted a maximum throughput of 300,000 TEU per annum (one

TEU being the equivalent of one twenty-foot shipping container) and the remediation of contaminated areas within the site prior to the commencement of construction works for the Enfield ILC. It also required the retention of the Tarpaulin Factory, with any modification (e.g. adaptive reuse) to be subject to further assessment and approval.

Most of the Enfield ILC has been constructed for warehouses, light industrial, hardstand storage areas and the intermodal terminal. There are several undeveloped lots on the site, including an approximately 30,000 m² area to the north-west of the Tarpaulin Factory, designated for warehousing and distribution developments.

On 19 June 2018 the approval was modified (MP 05_0147 MOD 13) to reflect and recognise a development consent granted by the Land and Environment Court (LEC) on 29 November 2017 for the adaptive reuse of the former Tarpaulin Factory and the surrounding land as a garden centre (DA 2016/132).

The Department understands the LEC approved development did not proceed.

The Enfield ILC approval has been previously modified on 14 occasions (see **Table 1**).

Table 1 | Summary of previous modifications

No.	Modification Description	Determination Date
MOD 1	Amend conditions relating to construction dust monitoring	07 October 2008
MOD 2	Amendment to conditions to enable staged construction and operation and modified timing of submission of Site Audit Statements.	30 March 2009
MOD 3	Replace approved warehouse with a car load/unload facility.	Withdrawn
MOD 4	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 material to the southern part of the site known as Mount Enfield.	10 November 2011
MOD 6	Inclusion of the former Toll Lease Area into the project site, adjustments to site layout, subdivision and changes to meteorological monitoring.	11 December 2012

No.	Modification Description	Determination Date
MOD 7	Modify the subdivision of the ILC site.	Withdrawn
MOD 8	Amendment of the subdivision layout into 23 allotments to facilitate commercial leasing.	27 November 2013
MOD 9	Proposed use of Site F for agricultural and forestry commodities storage and handling facility.	Withdrawn
MOD 10	Amendment to freight-related operational activities within the intermodal terminal.	Withdrawn
MOD 11	Proposal to establish an additional warehouse (warehouse G) in the Southern portion of Area G (Lot 23).	08 February 2017
MOD 12	Modification to extend existing rail sidings, including expansion of administration building for the intermodal terminal.	07 March 2017
MOD 13	Modification to recognise the LEC approval for the adaptive reuse of the former Tarpaulin Factory as a garden centre.	19 June 2018
MOD 14	Modification to design parameters and operational parameters for select 24/7 operating hours, warehouse and distribution uses, and truck-to-truck freight movements with no direct interface with rail sidings.	28 August 2018

Following the repeal of Part 3A of the EP&A Act the approval became a transitional Part 3A approval. After 1 March 2018 new proposals to modify transitional Part 3A approvals can only be determined once the approved project has been declared to be either State significant infrastructure (SSI) or State significant development.

On 1 October 2019 the project approval was declared to be SSI.

1.3 Related Approval

On 3 November 2022 the Strathfield Local Planning Panel approved DA2022/68 for alterations, additions, fit out and use of the former Tarpaulin Factory for a garden centre with café and ancillary vegetable shop and pet store, and 389 car parking spaces.

The development includes a two-level car park (undercroft and at grade) to the west of the Tarpaulin Factory (see Figure 3). Excavation within the eastern flank of Mount Enfield is required to construct the car park, and this work is the subject of this modification.

The development consent includes conditions relating to:

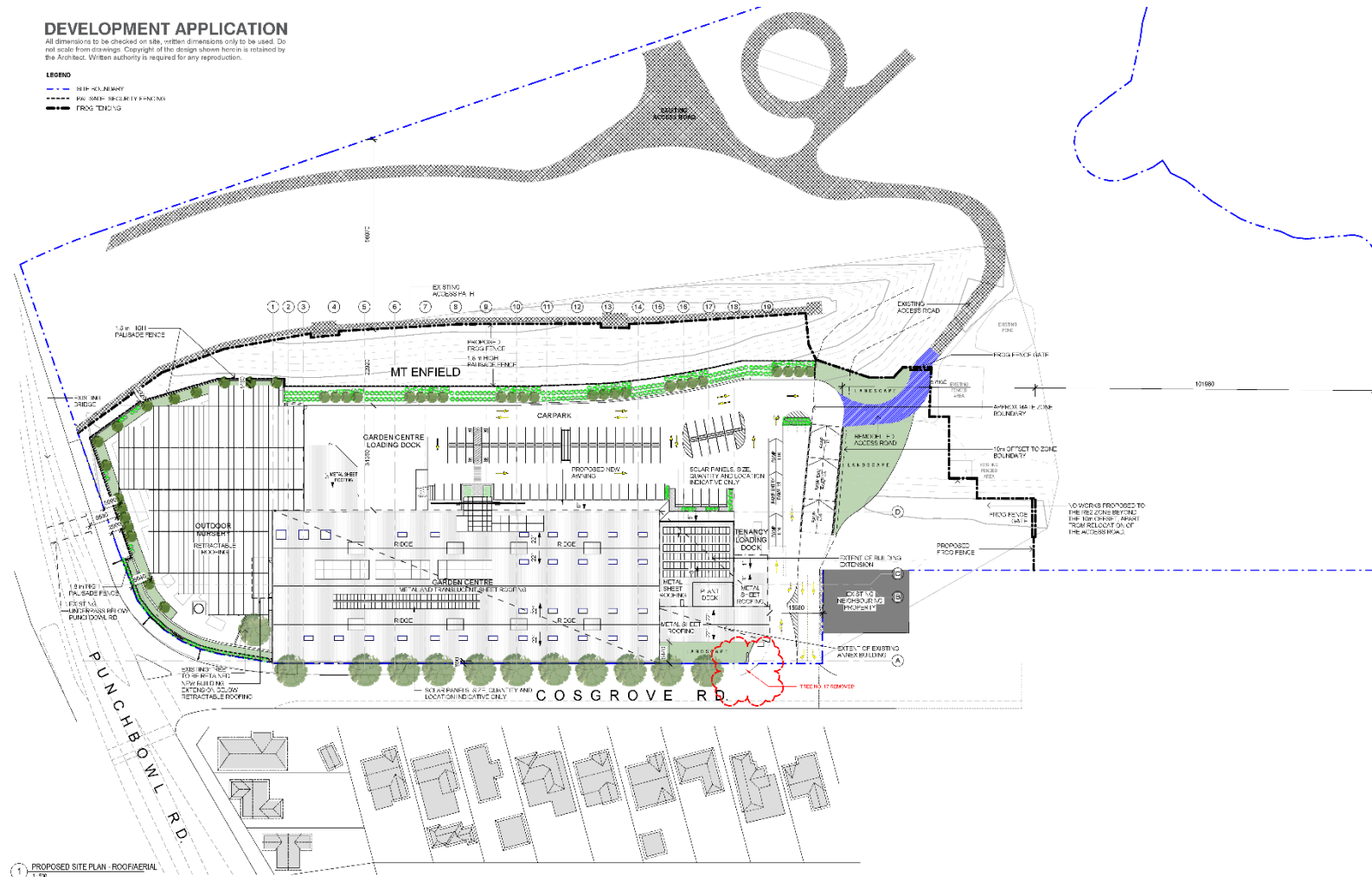
- Preparation of a Site Management Plan (Condition 23) addressing construction noise and vibration, construction and demolition traffic management, erosion and sediment control, waste management and dust measures
- Undertaking a detailed site investigation and remedial action plan (Condition 35)
- Additional GGBF protection measures (Condition 38), and
- Submission of a Site Audit Statement (Condition 45).

The approved construction hours are 7.00am to 5.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays. No work is permitted on Sundays and public holidays. In addition, the use of jack hammers and rock breakers or heavy machinery is restricted to the hours of 7.00am to 5.00pm Mondays to Fridays.

DEVELOPMENT APPLICATION

All dimensions to be checked on this written dimensions only to be used. Do not scale from drawings. Copyright of the design shown herein is retained by the Architect. Written authority is required for any reproduction.

- LEGEND**
- - - - - NEW PROPERTY BOUNDARY
 - - - - - EXISTING PROPERTY BOUNDARY
 - - - - - PROPOSED FENCE



1 PROPOSED SITE PLAN - ROOFAERIAL



FLOWER POWER SOUTH STRATHFIELD
127 COSGROVE ROAD SOUTH STRATHFIELD NSW 2135

ISSUE	DATE	DESCRIPTION
A	19/11/2021	DA APPROVAL
B	14/03/2022	DA APPROVAL
C	05/08/2022	DA RFI ISSUE

PROPOSED SITE PLAN - ROOFAERIAL

A01.02 DA - C
1:500 @ A1
1:1000 @ A3



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Figure 3 | Council approved Garden Centre site plan

2 Proposed modification

2.1 Modification overview

The Proponent seeks to modify the Enfield ILC approval (MP 05/0147) to reflect and be consistent with DA 2022/68 for the adaptive reuse of the Tarpaulin Factory as a garden centre.

The key aspects of the modification are outlined in **Table 2**.

Table 2 | Key aspects of the modification

Project element	Mod 13 (DA2016/132 consent)	Modified project (DA2022/68 consent)
Carparking	206 carparking spaces.	389 car parking spaces, including 8 disabled car spaces and two electric vehicle charging stations. The additional parking spaces would be located within an undercroft beneath the Tarpaulin Factory building,
RE2 Zone	n/a	Remove the landscape supplies and bulky goods from within the RE2 zone which provides an additional buffer to the frog ponds containing Green and Golden Bell Frogs. A biodiversity report by Biosphere Environmental Consultants Pty Ltd accompanies the modification report.
Internal configuration	n/a	Internal configuration of the uses reflects the new definition of 'garden centre' under Strathfield Local Environmental Plan 2012.

Project element	Mod 13 (DA2016/132 consent)	Modified project (DA2022/68 consent)
Additional excavation into Mount Enfield	<p>Approximately 6,000m³ to 10,000m³ of cut will be generated from the eastern flank of Mount Enfield and the area to the south of the Tarpaulin Factory.</p> <p>Approximately 3,200m³ to 8,000m³ of fill would be required to fill the area between Mount Enfield and Tarpaulin Factory and the south-western corner of the Tarpaulin Factory.</p>	<p>Approximately 16,342m³ of cut will be generated, with 5,253m³ cut from the eastern flank of Mount Enfield.</p> <p>Approximately 8,643m³ of fill will be required resulting in approximately 7,699m³ of unsuitable fill to be placed in a borrow pit or other parts within the Enfield ILC site or offsite disposal.</p>

The Proponent's proposed amendments to the conditions of approval and the department's recommended conditions are outlined in **Table 3**.

Table 3 | Proposed amendments to conditions of approval

Condition	Existing wording	Proponent's proposed wording (deleted wording strikethrough, new wording in red)	Recommended Condition
1.1 s)	<p>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</p>	<p>Section 4.55 Application – Modification Application No. 13 – 127 Cosgrove Road, South Strathfield prepared by LJB Urban Planning dated August 2017; and the associated Remediation Action Plan (RAP) prepared by Geosyntec Consultants dated 21 December 2021; Green and Golden Bell Frog Conservation Measures Tarpaulin Shed Site Enfield, prepared by Biosphere Environmental Consultants dated 27 November 2016; and</p> <p>Section 4.55 Application – Modification Application No. 15 – 127 Cosgrove Road, South Strathfield prepared by LJB Urban Planning dated March 2023; and the associated Remediation Action Plan (RAP) prepared by Geosyntec Consultants dated 21 December 2021; Green and Golden Bell Frog Conservation Measures Tarpaulin Shed Site Enfield, prepared by Biosphere Environmental Consultants dated 27 November 2016; and</p>	Delete condition 1.1 s)

Condition	Existing wording	Proponent's proposed wording (deleted wording strikethrough, new wording in red)	Recommended Condition
	Centre MOD 13, prepared by LJB Urban Planning Pty Limited, dated 28 May 2018;		
1.1 u)	the conditions of this approval		<p>Modified condition:</p> <p>Modification Application MP05_0147 Mod 15 and:</p> <ul style="list-style-type: none"> i. modification report titled <i>Modification Report Mod 15 127 Cosgrove Road, South Strathfield</i> prepared by LJB Urban Planning dated 11 July 2023; ii. <i>Remedial Action Plan (RAP)</i> prepared by Geosyntec Consultants dated 21 December 2021; iii. <i>Green and Golden Bell Frog Conservation Measures Tarpaulin Shed Site Enfield</i>, prepared by Biosphere Environmental Consultants dated 27 November 2016; iv. RFI response letter prepared by LJB Planning dated 12 October 2023; and v. Plan No. SENP154B, <u>Enfield ILC Southern Precinct Area Tarp Shed Concept Plan Proposed Garden Centre</u>, prepared by NSW Ports; and
1.1 v)			New condition:

Condition	Existing wording	Proponent's proposed wording (deleted wording strikethrough, new wording in red)	Recommended Condition
			The conditions of this approval.
1.2	<p>In the event of an inconsistency between:</p> <p>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</p> <p>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.</p>		<p>Modified condition:</p> <p>In the event of an inconsistency between:</p> <p>a) the conditions of this approval and any document listed from condition 1.1a) to 1.1u) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and</p> <p>b) any of the documents listed from condition 1.1a) to 1.1u) inclusive, the most recent document shall prevail to the extent of the inconsistency.</p>
1.2A	<p>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.</p>	<p>Notwithstanding condition 1.2, in relation to the construction and operation of the development approved under DA 2016/132 DA2022/68 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 DA2022/68, the conditions of consent for DA 2016/132 DA2022/68 shall prevail.</p>	<p>Modified condition:</p> <p>Notwithstanding condition 1.2, in relation to the construction and operation of the development approved under DA2022/68 at 127 Cosgrove Road, in the event of any inconsistency between the conditions of this approval and the conditions of consent for DA2022/68, the conditions of consent for DA2022/68 shall prevail.</p>
1.2B	<p>Subject to condition 1.2C, despite any other provision of this</p>	<p>Subject to condition 1.2C, despite any other provision of</p>	<p>Modified condition:</p>

Condition	Existing wording	Proponent's proposed wording (deleted wording strikethrough, new wording in red)	Recommended Condition
	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.	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 DA2022/68 at 127 Cosgrove Road.	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 DA2022/68 at 127 Cosgrove Road.
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.	Prior to commencement of works approved under DA 2016/132 DA2022/68 for construction and operation of a garden centre and hardware and building supplies facility alterations, additions, fitout and use of the former tarpaulin shed for the purpose of a garden centre with café and ancillary vegetable shop and pet store, 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	Modified condition: Prior to commencement of works approved under DA2022/68 for alterations, additions, fitout and use of the former Tarpaulin Factory Building for the purpose of a garden centre with café and ancillary vegetable shop and pet store, 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 and a plan showing the extent of remediation are to be submitted to the Planning Secretary and Strathfield Council prior to the commencement of construction approved under DA2022/68.

Condition	Existing wording	Proponent's proposed wording (deleted wording strikethrough, new wording in red)	Recommended Condition
		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	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 DA2022/68.	Modified condition: Within one month of completing the remediation of the Tarpaulin Factory Site, a Long-term Contamination Management Plan is to be submitted to the Planning Secretary for approval. The Plan is to be implemented for the duration of operation of the development approved under DA2022/68.
6.2A			New condition: Prior to the commencement of construction under MP05_0147 Mod 15, the Proponent must update the CEMP required under condition 6.2 and submit the updated CEMP to the Planning Secretary for approval.

Condition	Existing wording	Proponent's proposed wording (deleted wording strikethrough, new wording in red)	Recommended Condition
6.3 g)	<p>Tarpaulin Factory Area Earthworks Environmental Management Plan which shall include but not be limited to:</p> <ul style="list-style-type: none"> (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 	<p>(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 Geosyntec Consultants dated 21 December 2021 including air quality monitoring for asbestos;</p>	<p>Modified condition 6.3g)</p> <p>Tarpaulin Factory Area Earthworks Environmental Management Plan which shall include but not be limited to:</p> <ul style="list-style-type: none"> (i) <u>No changes</u> 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) <u>No changes</u> 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) <u>New</u> an air quality monitoring program for asbestos during earthworks that disturb contaminated material; (iv) <u>New</u> measures to address groundwater inflow during excavation of the Mt Enfield eastern flank and the borrow pit for the placement of unsuitable material. The measures must

Condition	Existing wording	Proponent's proposed wording (deleted wording strikethrough, new wording in red)	Recommended Condition
	<p>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;</p> <p>(vi) measures to verify that imported material is consistent with that specified in the RAP;</p> <p>(vii) landscaping of disturbed areas in accordance with the Landscape and Ecological Area Management Plan under condition 6.3(d);</p> <p>(viii) protection of heritage items including the relocated Pillar Water Tank; and</p> <p>(ix) unexpected finds protocol.</p> <p>A copy of the approved Tarpaulin Factory Area Earthworks Environmental Management Plan is to be provided to Strathfield Council</p>		<p>include dewatering of groundwater and disposal of potentially contaminated groundwater at EPA licensed sites;</p> <p>(v) <u>Existing 6.3g (iii) - no changes</u></p> <p>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;</p> <p>(vi) <u>Existing 6.3g (iv) - no changes</u></p> <p>management of stockpiles in accordance with condition 2.30;</p> <p>(vii) <u>Existing 6.3g (v) - modified</u></p> <p>management of waste and remediation of the Tarpaulin Factory Site in accordance with conditions 2.39 to 2.42, condition 2.44 and the Remedial Action Plan (RAP), 127 Cosgrove Road, South Strathfield, NSW, Flower Power Group, prepared by Geosyntec Consultants dated 21 December 2021;</p> <p>(viii) <u>Existing 6.3g(vi) - no changes</u></p>

Condition	Existing wording	Proponent's proposed wording (deleted wording strikethrough, new wording in red)	Recommended Condition
			<p>measures to verify that imported material is consistent with that specified in the RAP</p> <p>(ix) <u>Existing 6.3g(vii) - no changes</u></p> <p>landscaping of disturbed areas in accordance with the Landscape and Ecological Area Management Plan under condition 6.3(d)</p> <p>(x) <u>Existing 6.3g(viii) - no changes</u></p> <p>protection of heritage items including the relocated Pillar Water Tank; and</p> <p>(xi) <u>Existing 6.3g(ix) - no changes</u></p> <p>unexpected finds protocol.</p> <p>A copy of the approved Tarpaulin Factory Area Earthworks Environmental Management Plan is to be provided to Strathfield Council</p>
<p>General Housekeeping</p>		<p>The Department has recommended a number of minor changes be made to reflect new agency and Department names.</p>	

2.2 Physical layout and design

An increase in the carparking provision from 206 to 389 spaces will require additional excavation into Mount Enfield. Approximately 5,253m³ of material will be excavated from the eastern flank of

Mount Enfield for the construction of the carpark. A retaining wall of imported rocks placed in tiers will be constructed along the eastern boundary of the Mount Enfield cut.

Unsuitable fill material excavated from the site will be contained in a borrow pit located in the car parking area. The borrow pit will be capped to encapsulate the contaminated material.

North-west of the Tarpaulin Factory buildings are three frog ponds which provide habitat for GGBF. The proposed modification would remove the landscape supplies and bulky goods sections from within the RE2 zone, providing an additional buffer between the development and the ponds. In accordance with the recommendations of the biodiversity report, a frog-exclusion fence is proposed to be construction along the entire shared boundary of the development site and the broader Enfield ILC prior to site establishment (see **Figure 3**).

3 Statutory Context

3.1 Scope of modification and assessment pathway

Details of the planning pathway under which the modification is sought is provided in **Table 4** below.

Table 4 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	<p>In accordance with section 5.25 of the EP&A Act, a proponent may request the Minister to modify the approval for State significant infrastructure. The Minister’s approval for a modification is not required if the infrastructure as modified will be consistent with the existing approval. The proposed modification is not considered consistent with the existing approval. Consequently, modification of the Minister’s approval under section 5.25 of the EP&A Act is required.</p>
Approval Authority	<p>Minister for Planning and Public Spaces</p> <p>The Minister will be the determining authority under section 5.25 of the EP&A Act unless the Minister has delegated his determination functions to the Department.</p>
Ministers delegate as determining authority	<p>Team Leader</p> <p>Under the Instrument of Delegation dated 9 March 2022, the functions and powers of the Minister for Planning and Public Spaces under section 5.25 of the EP&A Act to determine a modification of the Minister’s approval may be delegated whereby:</p> <ul style="list-style-type: none"> • the maximum fees are those set out in item 6.5 of Part 6 to Schedule 4 of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) • a reportable political disclosure statement has not been made • there are no public submissions in the nature of objection and • the relevant local council has not made an objection. <p>The proposed modification meets the terms of this delegation. As such, the Team Leader, Transport and Water Assessments, is the delegated authority to determine the modification request.</p>

3.2 Other approvals and authorisations

Section 7.17(2) of the *Biodiversity Conservation Act 2016* provides that a biodiversity development assessment report (BDAR) is required to be submitted with and taken into consideration in the

assessment of a request to modify an SSI approval unless the determining authority is satisfied the modification will not increase the impact on biodiversity values. The Department is satisfied that the proposed modification will not increase the impact on biodiversity values consequently a BDAR is not required for the proposal.

Under the *Strathfield Local Environmental Plan 2012* (LEP), the Tarpaulin Factory site is zoned IN1 General Industrial, with a very narrow strip of land within the northern site boundary zoned RE2 Private Recreation. The zoning of the land is not relevant to the Department's consideration of the modification, as local environmental plans do not apply to or in respect of an approved project.

4 Engagement

4.1 Department’s engagement

Under section 5.28(1)(g) of the EP&A Act, the Planning Secretary is required to make requests for modification of approvals determined by the Minister publicly available. Accordingly, the Department made the modification request publicly available on its website.

There is no requirement in the EP&A Act, the EP&A Regulation or the Department’s Community Participation Plan (November 2019) for the modification application to be notified, advertised or exhibited.

In addition to making the application publicly available on its website, the Department notified Transport for New South Wales (TfNSW), the NSW Environment Protection Authority (EPA), the Biodiversity and Conservation Division of the Department of Planning and Environment (BCD) and Strathfield Municipal Council.

4.1.1 Summary of agency advice

TfNSW reviewed the modification request and did not raise any concerns or issues.

EPA raised no issues.

BCD did not provide advice on the modification application.

4.1.2 Summary of council submission

Strathfield Council did not object and provided one comment on the proposal.

A summary of the issues raised by Council is provided in **Table 5**.

Table 5 | Summary of issues raised by council

Council	Submission summary
Strathfield Council	Strathfield Council noted the proposed modification would make the Enfield ILC approval (MP05_0147) consistent with DA2022/68 for the garden centre. Strathfield Council raised no principal objection or comments. Council however noted a reference in the conditions to an email from the Proponent titled <i>Enfield Intermodal Logistics Centre Mod 13</i> , dated 28 May 2018. This email contained commitments by the Proponent, and Council queried whether these commitments have been carried through into updated reporting for the site, specifically those which are to be included in the revised wording for condition A1.1.

In response to Council's comment, the Proponent advised the additional works referenced in the MP 05_0147 Mod 13 approval have been superseded by the new DA (DA2022/68) which includes an updated Remedial Action Plan.

4.1.3 Site visit

On 14 August 2023, the Department visited the site. While the Department did not gain access to the site, the Department viewed the site and surrounding area from Cosgrove Road, Punchbowl Road and the Enfield Intermodal Lookout on top of Mount Enfield. The Department noted the proximity of the Tarpaulin Factory to Mount Enfield and the frog ponds.

5 Assessment

The Department has assessed the merits of the proposed modification in accordance with the relevant objects and requirements of the EP&A Act. In assessing these merits, the Department has considered the Proponent's Modification Report and supporting information and the Strathfield Local Planning Panel's development consent for the proposed garden centre.

The Department's assessment of the proposed modification is set out below.

5.1 Biodiversity

The Enfield ILC site contains three frog ponds located northwest of the Tarpaulin Factory site to provide habitat for the GGBF, which is listed as a Threatened Species under the *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The frog ponds are located approximately 80 metres from the zone boundary between the RE2 and IN1 zones. The Department notes that the proposed development under DA2022/68 reduces impacts to GGBF habitat compared to DA2016/132. This is achieved by increasing the separation between the proposed development and the frog ponds by removing the landscape supplies and bulky goods areas from within the RE2 zone adjacent to the frog ponds.

In addition, DA2022/68 implements the recommendation of the frog specialist (Biosphere Environmental Consultants Pty Ltd) to include a frog exclusion fence along the entire length of the shared boundary of the Tarpaulin Factory site and the broader Enfield ILC site (including the frog ponds), as well as extending along the northern boundary of the Tarpaulin Factory site to Cosgrove Road. The frog fence is required under DA2022/68 to be installed prior to site establishment and must be maintained throughout the construction period. Therefore, it is the Department's consideration that the proposed development will have negligible impacts to GGBF.

DA2022/68 approved the removal of six trees - two street trees and four trees within the site. Most trees on site will be retained. The Department notes that the landscape plan for the development is required to be amended to demonstrate compliance with section 2.10.1.13 of Part D of the Strathfield Council DCP where council requires one (1) medium size shade tree for every eight car spaces. This will achieve an overall increase in tree coverage of the existing site.

5.2 Heritage

The former Tarpaulin Factory is an unoccupied industrial warehouse style building and associated ancillary buildings. The 'Tarpaulin Factory' building and 'Pillar Water Tank' are both listed on the

NSW Ports Section 170 Heritage Register and are protected under the *Heritage Act 1977*. However, they are not locally listed under the Strathfield LEP as a heritage item nor located within a conservation area. The excavation of the undercroft carparking under the Tarpaulin Factory Building will be subterranean and independent of the Tarpaulin Factory. The proposed modification to the previously approved internal fitout will have no further impacts on the Tarpaulin Factory.

The Department considers the adaptive reuse of the heritage buildings will ensure that the historical use of the Tarpaulin Factory and its relationship to the Enfield Marshalling Yards is maintained.

5.3 Contamination

Investigation of contamination at the site indicated the presence of asbestos containing materials (both friable and in fragments). The proposal would disturb potentially contaminated material in:

- Surface soil within the northern lean to buildings adjacent to the main Tarpaulin Factory and
- Eastern portion of Mount Enfield requiring cut and fill to accommodate carparking.

Mount Enfield was constructed during the remediation of the Enfield ILC to store material unsuitable for engineering fill. The mound has been progressively capped with clean fill at least 0.1m in depth. The proposed development will require approximately 16,324m³ of cut to be generated, with 5,253m³ to be cut from the eastern flank of Mount Enfield. Approximately 8,643m³ of fill will be required on site. The proposed works will disturb the existing capping layer of Mount Enfield by excavating the lower eastern flank for the ground level car park.

The proposed remediation of contaminated material from the site would involve its consolidation, isolation and containment in a borrow pit which will be excavated within the proposed carpark area, for placement elsewhere within the Enfield ILC site. The methodology for excavation of contaminated material, its remediation and validation is provided in an updated Remedial Action Plan (RAP) prepared by Geosyntec Consultants to accompany DA2022/68 and this modification application. The RAP provides the methodology for addressing the contaminated soils within the Tarpaulin Factory site.

The Department is satisfied the RAP provides details of the excavation methodology, remediation of contaminated material by capping and validation of the remediation process. The existing conditions require the preparation of a Construction Environmental Management Plan (CEMP) which includes a Tarpaulin Factory Area Earthworks Environmental Management Plan. The Department considers that modification of these conditions to refer to the updated RAP and the requirement for a Site Auditor and Site Audit Statement to validate the remediation of the site, will manage site contamination issues.

5.4 Traffic and transport

DA2022/68 as approved increased site car parking from 206 spaces to 389 spaces, an increase of 183 spaces. An updated traffic report accompanies the modification application and provides an analysis of potential impacts to the surrounding street network.

The total heavy vehicle generation per weekday is expected to be 24 trucks, generating a maximum of 48 trips to and from the site in total, a day. The trips are expected to be distributed between 7:00am and 3:00pm, equating to 6 truck movements per hour (3 in and 3 out).

The Department considers the proposed modification to have minor impacts on the surrounding street traffic network and potential impacts are addressed by DA2022/68 conditions.

5.5 Other issues

The Department's consideration of other issues is summarised in **Table 6** below.

Table 6 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Water quality	Previous investigations by the Proponent indicated that a shallow perched groundwater aquifer is present between the residual clay and fill boundary across the site, which is between 2m to 3m below ground level. The proposed cut may intercept perched groundwater at it extends to approximately 2.5 metres below ground at its deepest point. The Proponent intends to prepare a construction environmental management plan which considers potential groundwater entering excavation and the need for a dewatering management plan.	Existing condition requiring the preparation of a CEMP and an Earthworks Environmental Management Plan specific for the garden centre proposal at the Tarpaulin Factory site.

Issue	Findings and conclusions	Recommended conditions
Noise	The increased parking provision on-site will likely cause increased noise to be generated from vehicles. The <i>Noise Impact Assessment</i> (prepared by Acoustic Logic, dated 15/09/2021) notes that traffic noise levels along Punchbowl Road currently exceed the EPA's noise criteria for sub-arterial roads. The additional traffic expected to be generated by this proposed modification would not noticeably change the existing noise generated by traffic on surrounding roadways.	Existing condition requiring the preparation of a CEMP
Air quality	The northern part of the Tarpaulin Factory site and fill within Mount Enfield contain asbestos or asbestos-contaminated material. There is a risk of asbestos fibres becoming airborne if disturbed by excavation and construction. This risk will be minimised through the implementation of relevant measures included in the RAP and the CEMP. The RAP states that air monitoring would be conducted on a daily basis when there is intrusive work of asbestos impacted material and if asbestos impacted material is being exposed.	Condition 6.3g requires the preparation of a Tarpaulin Factory Area Earthworks Environmental Management Plan (as part of the CEMP). The recommended conditions require an air quality monitoring program in accordance with the RAP.

6 Evaluation

The Department's assessment has considered the Modification Report and other supporting information and evaluated the merits of the modification. The Department considers the modification should be approved, subject to conditions. The key reasons are as follows:

- The modification request complies with relevant statutory provisions and remains consistent with the EP&A Act (refer to Section 3)
- The modification request will amend the conditions of approval to remove inconsistencies between DA2022/68 for a garden centre approved in November 2022 and DA2016/132 approved in December 2017 and subject to MP05_0147-Mod 13, and
- The modification would not result in adverse impacts on the environment beyond those assessed in MP05_0147-MOD 13, subject to conditions.

The Department concludes that the proposed modification is acceptable subject to recommended conditions of approval. This conclusion is based on the Department's review of the Modification Application and accompanying information, including the development consent for a garden centre granted by the Strathfield Local Planning Panel.

7 Recommendation

It is recommended that the Team Leader Water Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies the approval** for the Enfield Intermodal Logistics Centre (MP05_0147) as amended, subject to the conditions in the attached instrument of modification, and
- signs the attached instrument of modification (Appendix C).

Recommended by:

Recommended by:



21/11/23



21/11/23

Daniel Neely

Para Planner

Transport and Water Assessments

Michael Young

Principal Planner

Transport and Water Assessments

8 Determination

The recommendation is **adopted/not adopted** by:

A handwritten signature in black ink, appearing to read 'LSE', written in a cursive style.

Lloyd Eley-Smith

Team Leader

Transport and Water Assessments

Glossary

Abbreviation	Definition
BC Act	Biodiversity Conservation Act 2016
BCD	Biodiversity and Conservation Division within the Environment and Heritage group of the Department of Planning and Environment
BDAR	Biodiversity development assessment report
CEA	Community and Ecological Area
Council	Strathfield Council
Department	Department of Planning and Environment
EIS	Environmental impact statement
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPA	NSW Environment Protection Authority
Enfield ILC	Enfield Intermodal Logistics Centre
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
GGBF	Green and Golden Bell Frog
Ha	Hectares
LGA	Local government area
LEC	Land and Environment Court
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces

Abbreviation	Definition
RAP	Remedial Action Plan
Secretary	Secretary of the Department of Planning and Environment
SSI	State significant infrastructure
TEU	Twenty-foot equivalent unit
TfNSW	Transport for NSW

Appendices

Appendix A – Modification Application

The modification application and supporting information to this assessment report can be found on the NSW Planning Portal:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-15-reuse-tarpaulin-factory-garden-centre>

Appendix B – Consolidated Approval

Appendix C – Notice of Modification