

NSW Ports

Intermodal Logistics Centre: Enfield Modification Application No 8

Subdivision - Changes and Amendments

ILC – E – PT3A – Modification Application No 8 2 September 2013

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1 Introduction

NSW Ports submits this application to the Department of Planning & Infrastructure (DP&I) to modify the Project Approval granted by the Minister for Planning on the 5 September 2007 under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the development of an Intermodal Logistic Centre (ILC) at Enfield (Application Number 05_0147).

This application, submitted under Section 75W of the EP&A Act (in accordance with clause 3 of Schedule 6A of the EP&A Act), applies to a request to modify the subdivision layout of the ILC site. The changes are further described in Section 2.

In this document, the site is defined as the land to be developed as part of the ILC project and defined in the Project Approval as the land to which Major Project Application 05_0147 applies.

Figure 1 shows the existing approved subdivision as a result of Modification 6. Figure 2 shows the proposed subdivision layout as a result of this modification, i.e. Modification Application 8 (which includes the subdivision of allotments proposed in Modification Application 7).

1.1 Project Approval

An application under Part 3A of the EP&A Act for the construction and operation of an Intermodal Logistics Centre (ILC) at Enfield was submitted to the Department of Planning in December 2005. The proposal involved the following components:

- 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 between road and rail and the short term storage 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 by rail;

- light industrial/commercial area fronting Cosgrove Road complementary to operations at the site;
- 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).

On 5 September 2007 Approval was granted under Section 75J of the EP&A Act. This Approval was first modified on 2 October 2008. The first modification amended several conditions of the Approval relating to construction dust monitoring.

A second modification was approved on 30 March 2009. This modification inserted a condition to allow the Project to be constructed and/or operated in stages. The modification also modified a condition 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*.

Sydney Ports Corporation notified DP&I that a third modification would be submitted for a car loader / unloader facility in area F however this application was not submitted for commercial reasons.

Modification 4 was approved on 27 May 2010. The fourth modification was required as a result of changes due to the further development of the site design. Changes were made to elements including noise walls, internal roads, stormwater detention, development areas and light industrial/commercial layout.

Modification 5 was approved on 10 November 2011. This modification was for the relocation and re-use of unsuitable material to Mount Enfield.

A sixth modification was approved on 11 December 2012 including changes resulting from further site design adjustments as a result of the early works. Modification 6 also provided approval to subdivide the Enfield site into 22 allotments as discussed below in Section 2.1 of this Report.

A seventh modification was submitted to DP&I in March 2013 in order to further subdivide allotments approved under Modification Application 6. Modification Application 7 proposed to subdivide a portion of Lot 11 DP1007302 to provide two additional allotments comprising Lot 23 (Intermodal Storage Area G) and Lot 24 (Intermodal Services Area). However, NSW Ports has identified that further amendments are required to the subdivision layout approved in Modification 6 in addition to that proposed in Modification 7. Hence, a request to withdraw Modification 7 will be

submitted to the DP&I (i.e. before DP&I completes their assessment of Modification 7) with Modification 8 incorporating the Modification 7 subdivision proposal (i.e. Lots 5 and 23 under the proposed subdivision layout in Figure 2).

2 Assessment

2.1 Existing Situation

The ILC will comprise several long term tenants or freehold owners performing intermodal, warehousing and light industrial/commercial activities in accordance with the Project Approval. The tenants will be subject to long term leases of land with NSW Ports.

As stated above, Modification 6 approved the subdivision of the ILC site in accordance with subdivision plan DWG: 120225SUB-7 (Issue 7) (included at Appendix 1 of the Mod 6 approval¹) and shown in Figure 1 of this Report.

Modification 6 proposed to subdivide three existing allotments, i.e. Lot 2 DP 1006861, Lot 101 DP 1001498 and Lot 14 DP 1007302, into 22 allotments. The subdivision plan (Issue 7) approved by Modification 6 created 22 allotments with separate Certificates of Title for the purpose of long term tenancy or freehold ownership of operational areas. These allotments are categorised as follows:

Lots 1-4: Allotments fronting Cosgrove Road, Light Industrial/Commercial

Part of the site fronting Cosgrove Road is described as 'Light Industrial/Commercial'. Four standard freehold allotments were created with direct access to Cosgrove Road.

Lots 5-10: Warehouse Distribution

Up to six warehouse facilities, which abut the operations of the main Intermodal Terminal, will have the potential of being leased to separate operators. As such each parcel of land comprising a possible warehouse facility has been subdivided into separate allotments.

Lots 11-13: Intermodal Terminal Areas

The main activity associated with the ILC is the Intermodal Terminal supported by the associated logistics activities to be undertaken in the Storage Areas and Services areas. The leases for these three lots vary substantively in regard to the terms and conditions set out by the landowner / landlord and may be undertaken by different operators over the operational life of the ILC.

¹ Note that a final subdivision plan is to be approved by the Director-General prior to obtaining a subdivision certificate

Accordingly, each allotment was created to enable the leases to be registered in compliance with statutory requirements.

Lot 14: Wheel Lathe Workshop

The Wheel Lathe Workshop is the subject of an existing lease with NSW Ports. The formalisation of this allotment allows the lease to be extended and with terms which will be in keeping with the use of the land.

Lots 15-17: Rail Tracks

There are a number of rail tracks that traverse parts of the site. These tracks will be the subject of License Agreements between NSW Ports and site operators.

Lots 18-22: Remaining Allotments

Allotments 18 to 22 comprise the following areas:

- existing Administration buildings;
- proposed vacant landscaped land;
- the Tarpaulin Factory;
- the Mt Enfield and Frog Ponds Area areas in the south of the site;
- the main internal roadway inclusive of infrastructure areas; and
- detention basins.

2.2 Proposed Subdivision

In accordance with section 7A of the *Conveyancing Act 1919* (and Land and Property information requirements), the registration of a lease on a portion of land in a single title in excess of 5 years can only be completed by the preparation and registration of a “Plan of Subdivision”. To facilitate the site activities as contemplated in the Planning Approval, separate operational areas and tenancies need to be created as separate allotments that can then be financed and developed under a long-term lease.

A draft subdivision plan (DWG: 120225SUB-7 printed 5 April 2013 (Issue 10)) showing the proposed subdivision changes requested under this modification application is attached as Figure 2. The proposed changes to the subdivision plan approved under Modification 6 are outlined below. Modification 8 proposed to amend the subdivision of the three existing allotments, i.e. Lot 2 DP 1006861, Lot 101 DP 1001498 and Lot 14 DP 1007302, approved under Modification 6 as follows:

- Warehouse Areas A and B are proposed to be merged from two lots (Lots 5 and 6) into one lot (Lot 6 - 76,277 m²) to enable consolidation of services.

- The area under the bridge within the ILC intermodal terminal has been reallocated from Lot 12 to Lot 11, as it will be paved with the rest of the intermodal terminal.
- A further subdivision of a portion of Lot 11 (the Intermodal Terminal Area) to provide two additional allotments is necessary to optimise the operation of the ILC in accordance with its approved land use. The two additional allotments to be created comprise:
 - Lot 5: Intermodal Services Area (8,481 m²); and
 - Lot 23: Intermodal Storage Area G (25,472 m²).

The above amendments to the already approved subdivision layouts would enable Lots 5 and 23 to be separately leased for a period greater than 5 years, under lease terms appropriate for operations consistent with the Project Approval conditions. The remainder of Lot 11 will be retained as Intermodal Terminal area. It is noted that the name “Lot 5”, which has been eliminated by the merging of Lots 5 and 6, has been reallocated to one of the new lots created by the subdivision of Lot 11.

The combined changes result in Lot 11 being reduced in area from 168,169 m² to 135,531 m² and Lot 12 reduces in area from 54,070 m² to 53,973 m².

The number of warehouses within the ILC is not proposed to be altered and therefore does not require modification of Condition of Approval (CoA) 1.6. CoAs 1.15 to 1.20, which relate to subdivision and easements, will be complied with for the new subdivision arrangement. Therefore, Modification 8 is seeking approval for the ILC site to be subdivided into approximately 23 allotments to facilitate the construction and operation of the Project.

2.3 Assessment

The proposed subdivision of a portion of Lot 11 to create Lot 5 and Lot 23 generally aligns with the boundary of the former use of Toll lease area (generally equivalent to Lot 23). The former Toll lease area was leased and operated as a container storage depot and transport logistic centre prior to 2000, and up until 2008 when Toll terminated the lease with the former owner of the site (Sydney Ports Corporation).

The Toll site was excluded from the original Project Approval issued in 2007 as at the time it was subject to a long term lease until 2021. Modification 6 incorporated the former Toll lease area and the site's operations into the ILC Project Approval, under CoA 1.1 and CoA 1.11A. Therefore the proposed subdivision changes will not impact on the operation or use of the site.

The proposed amalgamation of Lots 5 and 6 into the single Lot 6 does not change the proposed end use of this part of the site, as it is still proposed that two warehouses (A & B) will be constructed in this area in the future and internal road access and services will be connected to both warehouse areas.

The proposed subdivision changes do not involve any changes to operations or uses of the site to those that are already approved and will not result in any additional traffic, noise or other environmental impacts.

The Director-General's Environmental Assessment Report for Modification 6 (November 2012), in which the subdivision of the ILC was considered in section 5.6, noted that concerns regarding the subdivision of the ILC site were raised only by Strathfield Council and then only in relation to the proposed subdivision of the southern part of the site (comprising Mt Enfield, Tarpaulin Factory and Frog Ponds Area). No concerns were raised in relation to the subdivision of the remainder of the site. As this proposed subdivision relates to a part of the ILC site outside of the southern area, it is considered unlikely to be of concern to Council or the community on the basis of consultation and submissions made for Modification Applications 6 and consultation undertaken to date for Modification Application 7.

2.4 Proposed Modification to the Project Approval

Based on the above subdivision proposal and assessment, NSW Ports requests that the Minister approves Modification Application 8 and modifies the current Project Approval by:

1. Replacing Appendix 1 (Plan of Subdivision DWG:120225SUB-7 Issue 7) with the Subdivision Plan shown in Figure 2 (DWG:120225SUB-7 Issue 10); and
2. Amending CoA 1.1 to include references as appropriate to this Modification Application No 8 and the revised subdivision plan drawing number and date.

It should be noted that the Subdivision Plan shown in Figure 2 is indicative of the layout proposed for the construction and operation of the ILC. Should further modifications be required to the Subdivision Plan, it is requested that only the Director-General's approval be sought to amend the Plan. Therefore in addition to the above, NSW Ports requests that a condition of approval be included permitting the Director-General to approve further amendments to the subdivision layout of the ILC site, if required.

3 Benefits and Justification of the Proposal

The proposed modification application results in the following benefits to the project:

- more efficient use of the land within the ILC site;
- improvements in the functionality of the site; and
- ability to execute leases in excess of 5 years for additional areas within the site to permit the financing and development of facilities and operations within these areas by the private sector.

4 Conclusion

The main purpose of Modification Application No 8 is to further facilitate the construction and operation of the Enfield ILC and permit the leasing of land subject to the Part 3A Approval (Application Number 05_0147) for a period of more than 5 years at any point in time.

This Modification Application involves a number of changes to the subdivision previously approved under Modification 6 and includes amendments to allotments proposed under Modification Application 7 (which is to be withdrawn). The amendments to the subdivision layout are shown in Figure 2 (DWG:120225SUB-7 Issue 10) and comprise the following:

- merging Lots 5 and 6 into one allotment (Lot 6);
- reallocating the area under the road bridge within the intermodal terminal from Lot 12 to Lot 11; and
- subdividing a portion of Lot 11 to provide two additional allotments (Lot 5 and Lot 23).

The proposed modification will not result in any significant environmental impacts and therefore no additional mitigation measures are required to carry out Modification 8. The modification if approved will result in approximately 23 allotments for the main ILC site.

WARNING: CREASING OR FOLDING WILL LEAD TO REFLECTION

PLAN FORM 2 (A2)

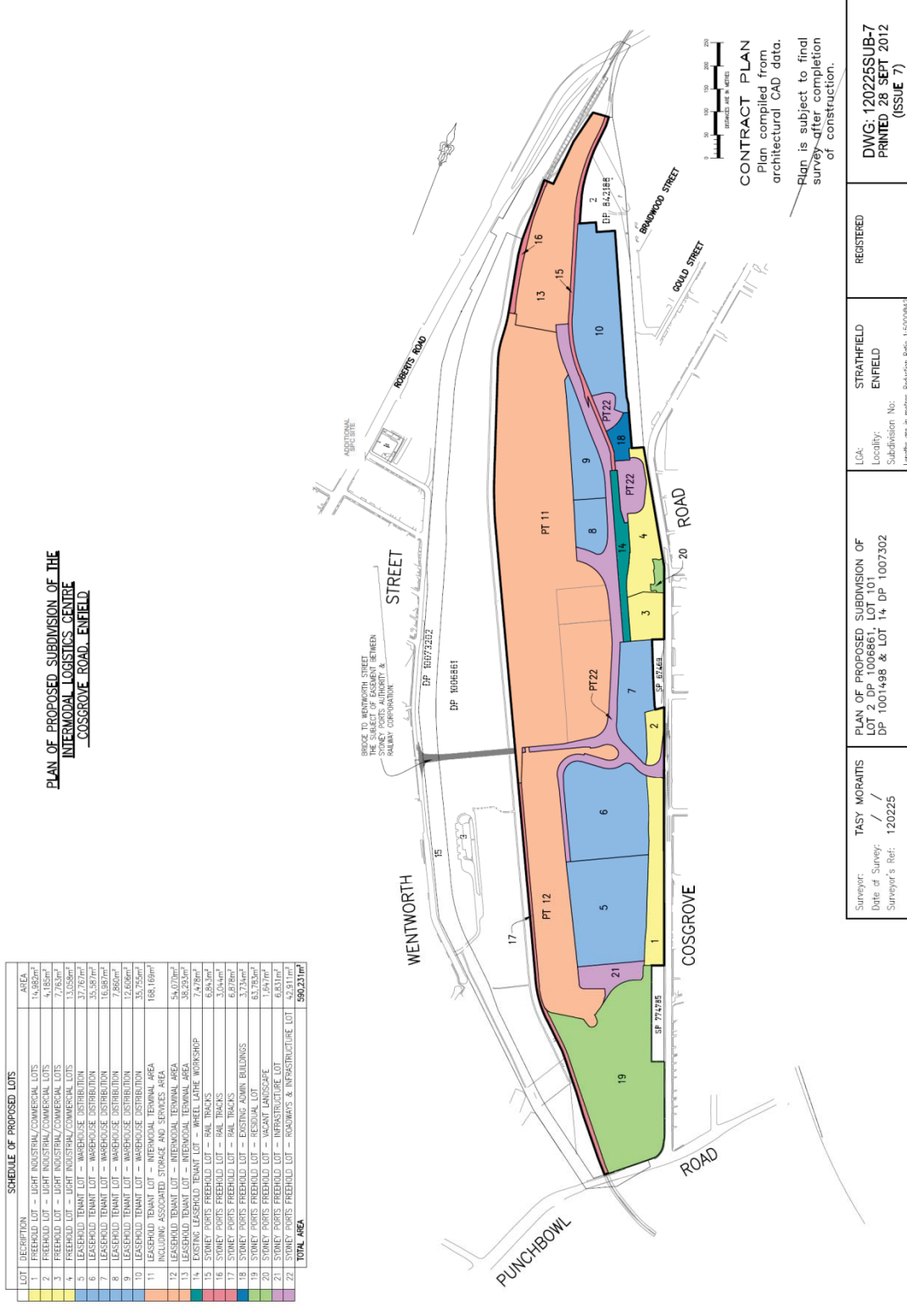


Figure 1: Existing Approved Subdivision (from Modification 6)

Surveyor: TASY MORAITIS / /
Date of Survey: / /
Surveyor's Ref: 120225

PLAN OF PROPOSED SUBDIVISION OF
LOT 2 DP 1006861, LOT 101
DP 1001498 & LOT 14 DP 1007302

LCA: STRATHFIELD
Locality: ENFIELD
Subdivision No: Lengths are in metres. Reduction Ratio: 1:5000(As4)

REGISTERED

DWG: 120225SUB-7
PRINTED 28 SEPT 2012
(ISSUE 7)

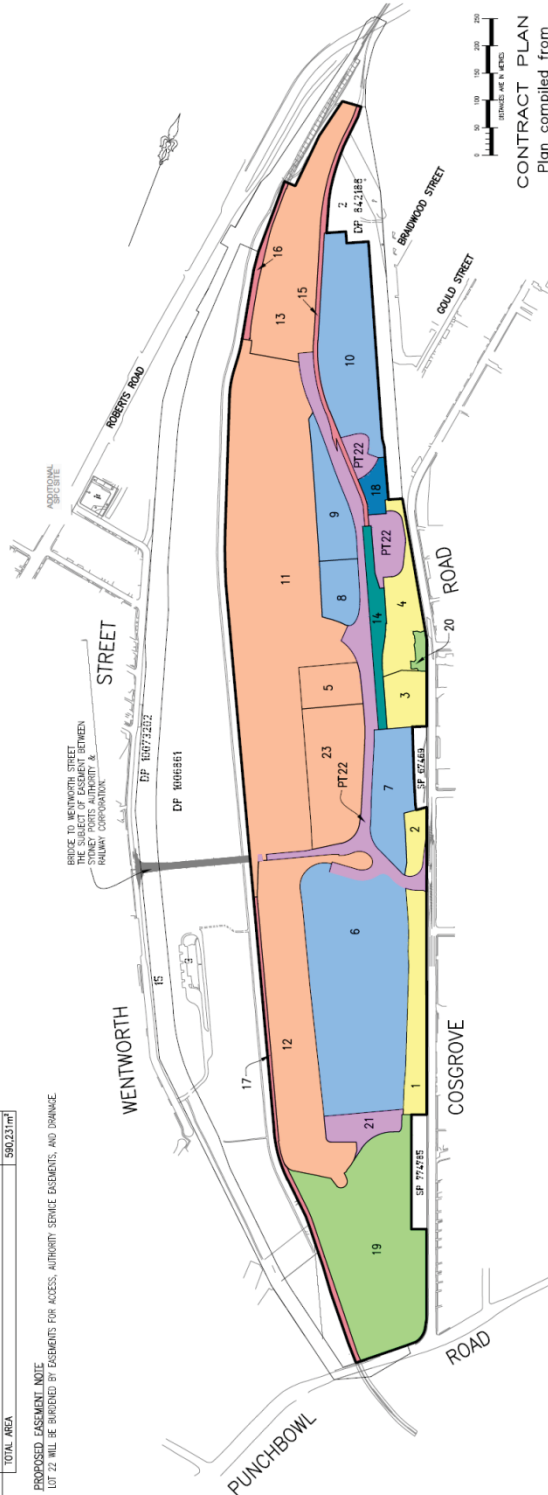
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (A2)

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

LOT	DESCRIPTION	AREA
1	LEASEHOLD TENANT LOT - LIGHT INDUSTRIAL/COMMERCIAL LOTS	4,382.00m ²
2	FREEHOLD LOT - LIGHT INDUSTRIAL/COMMERCIAL LOTS	4,382.00m ²
3	FREEHOLD LOT - LIGHT INDUSTRIAL/COMMERCIAL LOTS	7,764.00m ²
4	FREEHOLD LOT - LIGHT INDUSTRIAL/COMMERCIAL LOTS	13,056.00m ²
5	LEASEHOLD TENANT LOT - INTERMODAL TERMINAL SERVICES AREA	8,448.00m ²
6	LEASEHOLD TENANT LOT - WAREHOUSE DISTRIBUTION	76,272.00m ²
7	LEASEHOLD TENANT LOT - WAREHOUSE DISTRIBUTION	16,992.00m ²
8	LEASEHOLD TENANT LOT - WAREHOUSE DISTRIBUTION	7,968.00m ²
9	LEASEHOLD TENANT LOT - WAREHOUSE DISTRIBUTION	35,296.00m ²
10	LEASEHOLD TENANT LOT - WAREHOUSE DISTRIBUTION	35,296.00m ²
11	LEASEHOLD TENANT LOT - INTERMODAL TERMINAL AREA	136,531.00m ²
12	LEASEHOLD TENANT LOT - INTERMODAL TERMINAL AREA	53,973.00m ²
13	LEASEHOLD TENANT LOT - INTERMODAL TERMINAL AREA	38,293.00m ²
14	EXISTING LEASEHOLD TENANT LOT - WHEEL LATHE WORKSHOP	7,479.00m ²
15	STONEY POINTS FREEHOLD LOT - RAIL TRACKS	6,828.00m ²
16	STONEY POINTS FREEHOLD LOT - RAIL TRACKS	6,828.00m ²
17	STONEY POINTS FREEHOLD LOT - RAIL TRACKS	6,828.00m ²
18	STONEY POINTS FREEHOLD LOT - EXISTING ADMIN BUILDINGS	3,726.00m ²
19	STONEY POINTS FREEHOLD LOT - VACANT LANDSCAPE	63,793.00m ²
20	STONEY POINTS FREEHOLD LOT - VACANT LANDSCAPE	1,677.00m ²
21	STONEY POINTS FREEHOLD LOT - INFRASTRUCTURE LOT	6,831.00m ²
22	STONEY POINTS FREEHOLD LOT - INFRASTRUCTURE LOT	38,770.00m ²
23	LEASEHOLD TENANT LOT - INTERMODAL TERMINAL STORAGE AREA G	25,472.00m ²
TOTAL AREA		590,231m²

PROPOSED EASEMENT NOTE
LOT 22 WILL BE BURDENED BY EASEMENTS FOR ACCESS, AUTHORITY SERVICE EASEMENTS, AND DRAINAGE.



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

Surveyor: Date of Survey: Surveyor's Ref: 120225	TASY MORAITIS / /	PLAN OF PROPOSED SUBDIVISION OF LOT 2 DP 1006861, LOT 101 DP 1001498 & LOT 14 DP 1007302	REGISTERED	DWG: 120225SUB-7 PRINTED 05 APRIL 2013 (ISSUE 10)
LCA: Locality: Subdivision No: Lengths are in metres. Reduction Ratio: 1:500000		STRATHFIELD ENFIELD		

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Figure 2: Proposed subdivision as a result of Modification No 8