

SPC ILC-OG0167

5 February 2009

Mr Scott Jeffries
Director Major Infrastructure Assessments
Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Glenn Snow

Dear Sir

Project Approval Modification Application

**Intermodal Logistics Centre at Enfield, Sydney Ports Corporation
(Major Project No 05_0147, DoP File No. 9037344)**

Sydney Ports Corporation (SPC) submits this application to the Department of Planning to modify the project approval granted by the Minister for Planning 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.

This application, submitted under Section 75W of the EP&A Act, specifically applies to condition of approval (CoA) 2.43 and the timing requirement for the submission of Site Audit Statement (s) (SAS), prepared by an accredited Site Auditor under the Contaminated Land Management Act 1997, to the Director-General.

1. Project Background

Project Approval for the ILC at Enfield was granted by the Minister for Planning on the 5 September 2007 under Section 75J of the EP&A Act. The approval was for the construction and operation of the ILC 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;
 - 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 transfer by rail;
- light industrial/commercial area fronting Cosgrove Road;
- a Community and Ecological area for ecological enhancement and community opportunities. This includes the creation of Frog Habitat Area.
- Off-site works including construction of a road bridge over the existing marshalling yards for access to Wentworth Street, local road works on Cosgrove Road and the reconstruction of the Norfolk Rd and Roberts Rd intersection, to manage access/egress of vehicles to/from the ILC site, and rail connections to the freight rail network; 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)."

The \$153 million project will allow the transfer and storage of container freight to and from Port Botany, packing and unpacking of containers within the proposed warehouses and storage of empty containers for later re-use or for return to the Port. The project will contribute towards achieving the NSW Government target to move 40% of freight containers in and out Port Botany by rail by 2011. In addition, the EA estimated that the operation of the project would eliminate up to 100,000 truck movements and shorten another 250,000 truck movements between the western suburbs and Port Botany providing an annual saving of 6.5 million vehicle kilometres during peak operations (translating to saving of up to \$5.5 million per annum in vehicle operating costs and up to \$390,000 per annum in accident costs). In addition the project will generate 170 jobs during construction and approximately 510 jobs during operation.

The project approval also required remediation works at the site to make the land suitable for the intended land use. Areas of known contamination were identified in the EA prepared for the Enfield ILC project (SKM, 2005).

Remedial Action Plan documentation is currently being prepared for the remediation of the site by SPC's remediation consultant. A Site Auditor, accredited Site Auditor under the Contaminated Land Management Act 1997 (CLM Act), has been engaged for the project. The accredited Site Audit engaged for the project is Mr Graeme Nyland of Environ Australia Pty Ltd.

2. Requirement for Site Audit Statements in Project Approval

CoA 2.43 states the following:

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 contaminated areas have been remediated to standard consistent with the intended land use.



Under CoA 2.43, construction activities that disturb soil contamination cannot be carried out until a Section A SAS (s) has been prepared and submitted to the Director-General verifying that the contaminated areas have been remediated. One or more SAS can be prepared for the site.

3. Progressive Site Development and Interaction with remediation works

The Enfield ILC project is a large and complex infrastructure project which involves progressive and staged development of the site.

There are components of the project that are in the critical path of the project program and require early completion to allow progressing to subsequent stages. In some cases these works are minor in nature (eg. construction of a rail line along SP1, as referred to in SPC's Stage 1B CEMP) and under the current project approval would require a final SAS (Section A) prior to the commencement of construction works. In these cases the current project approval requirement can potentially cause project delays because of the time hold-up between the completion of remediation works in these areas (which may be simply involve the removal of contaminated soils in a small area followed by validation) and the actual completion of the SAS (Section A) documentation.

Under the NSW Site Auditor Scheme, Site Auditors can issue SAS (Section B), verifying that the site can be made suitable for the intended land use prior to the issuing of the Section A SAS at the completion of remediation. In addition, under Section 3.6.2 of the Department of Environment and Conservation (DEC)'s "Guidelines for the NSW Site Auditor Scheme (2nd edition) (DEC, April 2006) made under the CLM Act, Site Auditors can issue written interim advice on the work plans or reports in the lead-up to issuing the final SAS at the end of the entire audit.

Allowing the commencement of construction activities of critical path works in remediated areas prior to a Section A SAS but with a Section B SAS (or a written interim letter prepared by the Site Auditor in accordance with DEC (2006) guidelines) in place will provide flexibility in the project program. This approach does not contradict the DEC (2006)'s "Guidelines for the NSW Site Auditor Scheme" and is consistent with the intent of CoA 2.43 which is to ensure that the land is remediated to a standard consistent with the intended land use and that statutory Section A SAS (s) have been prepared and submitted to the Director-General for the remediated site. Ultimately no operation activities will occur at remediated areas until Section A SAS (s) have been prepared and submitted to the Director-General.

It is noted that this approach has been developed in consultation with the Site Auditor and in consideration of the DEC (2006) "Guidelines for the NSW Site Auditor Scheme".

4. Requested Modification

SPC requests a modification of CoA 2.43 to:

- Allow the commencement of construction activities that are on the critical path of the project on remediated areas prior to the issuing of a Section A SAS but after a Section B SAS or a written interim advice prepared in accordance with the DEC (2006) guidelines has been received from the Site Auditor and submitted to DoP advising that the areas can be remediated to standard consistent with the intended land use.



- Ensure that the Section A SAS (s) has been completed and submitted to DoP at the completion of remediation and prior to any operation activities at the remediated site.
- Provide flexibility in the remediation/ project program process, consistent with Guidelines prepared under the CLM Act

SPC proposes that condition 2.43 be changed as follows (changes underlined):

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) or a written interim advice consistent with the DEC's Guidelines for the NSW Site Auditor Scheme (2nd edition or as may subsequently be amended by the DECC), prepared by an accredited Site Auditor under the Contaminated Land Management Act 1997, certifying that the contaminated areas can be remediated to a standard consistent with the intended land use. At the completion of remediation and prior to any operation occurring at the remediated land, the Proponent shall submit to the Director-General a Site Audit Statement (s), prepared by the accredited Site Auditor, certifying that the contaminated areas have been remediated to a standard consistent with the intended land use.

We trust this approach meet DoP's requirements and look forward to receiving your response at your earliest convenience. Graeme Nyland (9954 8100) can be contacted directly to further discuss this matter. Alternatively, please do not hesitate to contact the undersigned or Ricardo Prieto-Curiel (0488 220 642).

Yours faithfully,

Stephen Zaczekiewicz
Enfield ILC Senior Development Manager