

Frankie Liang

30 October 2013

Mr Sam Haddad
Director General
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

RECEIVED
- 1 NOV 2013
Director-General

Dear Mr Haddad

RE: Planning Proposal to Rezone the Southern Section of the Enfield Intermodal Logistic Centre Site, Cosgrove Road, Strathfield South.

In reference to the above matter, Strathfield Council requests that the Department of Planning and Infrastructure commence the LEP plan making process for the above Planning Proposal under s56 of the EP&A Act 1979.

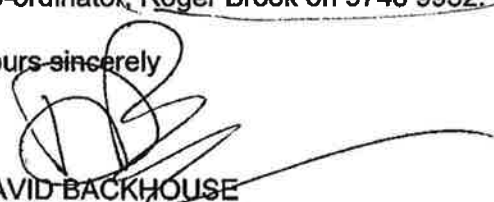
The Planning Proposal involves rezoning the southern section of the Enfield Intermodal Logistic Centre Site, (Part Lot 14, DP 1007302) Cosgrove Road, Strathfield South.

In accordance with s56 of the EP&A Act 1979 and 'A Guide to Preparing Planning Proposals' please find enclosed attachments:

- A. Planning Proposal to Rezone the Southern Section of the Enfield Intermodal Logistic Centre Site, dated October 2013.
- B. Council Report to 22 October 2013 Extraordinary Council Meeting
- C. Council Minutes 22 October 2013.

Should you have any questions in regard to this letter, please contact Council's Strategic Planning Co-ordinator, Roger Brook on 9748 9932.

Yours sincerely



DAVID BACKHOUSE
GENERAL MANAGER



ATTACHMENT A



**PLANNING PROPOSAL TO
REZONE THE SOUTHERN SECTION OF THE ENFIELD
INTERMODAL LOGISTICS CENTRE SITE**

**PART LOT 14, DP 1007302 AT COSGROVE ROAD,
STRATHFIELD SOUTH**

Part 1 – Objectives or Intended Outcomes

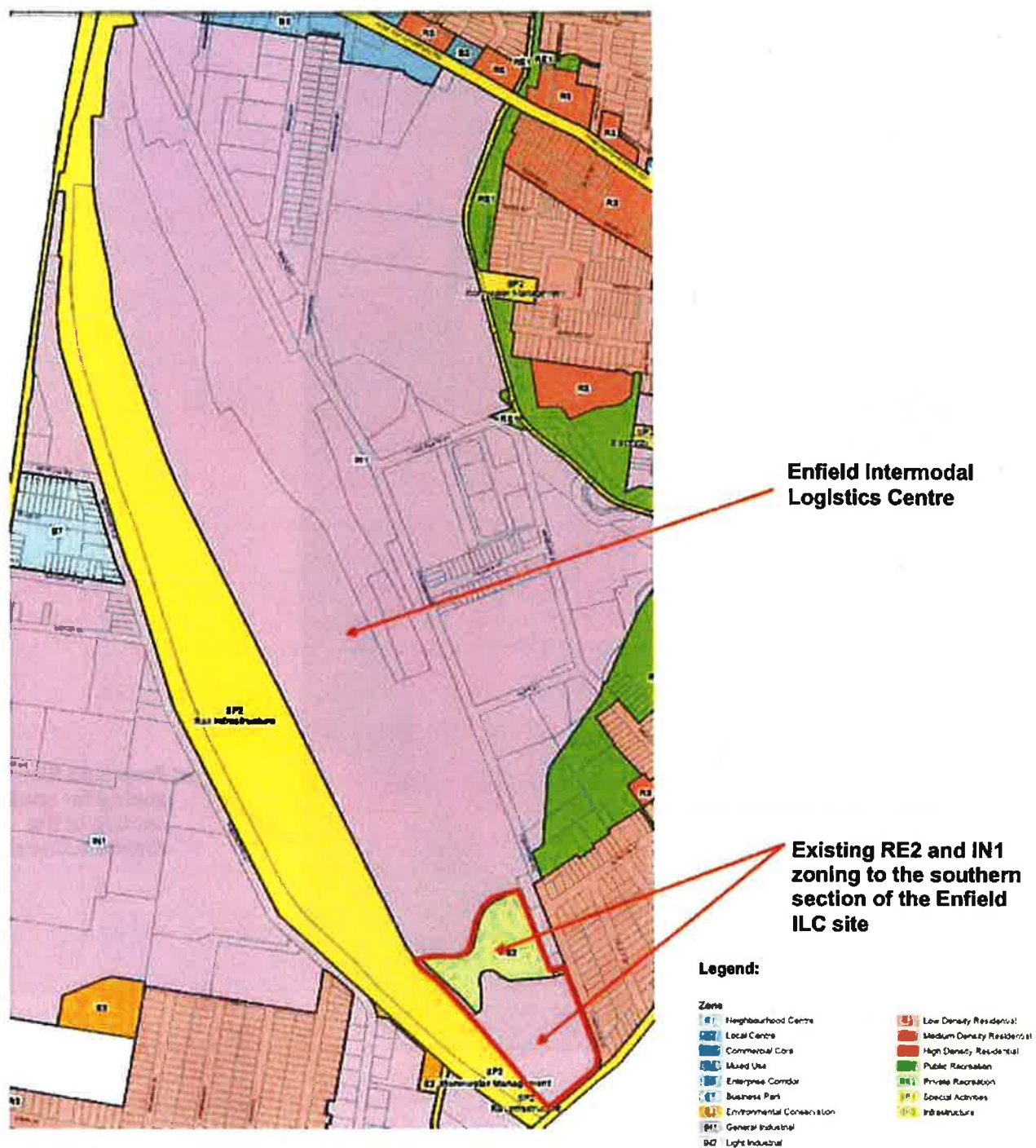
The objective of this Planning Proposal is to amend the zoning for the southern section of the Enfield Intermodal Logistics Centre (ILC) (Part Lot 14, DP 1007302) at Cosgrove Road, Strathfield South from part IN1 Industrial and part RE2 Private Recreation to RE1 Public Recreation. This is to support the implementation of the 'Community Ecological Area' by appropriately zoning and reserving the subject area as community space for the benefit of the local community and also protects the habitat area for Green Golden Bell Frog (GGBF).

MAP 1: THE LAND SUBJECT TO THE PLANNING PROPOSAL

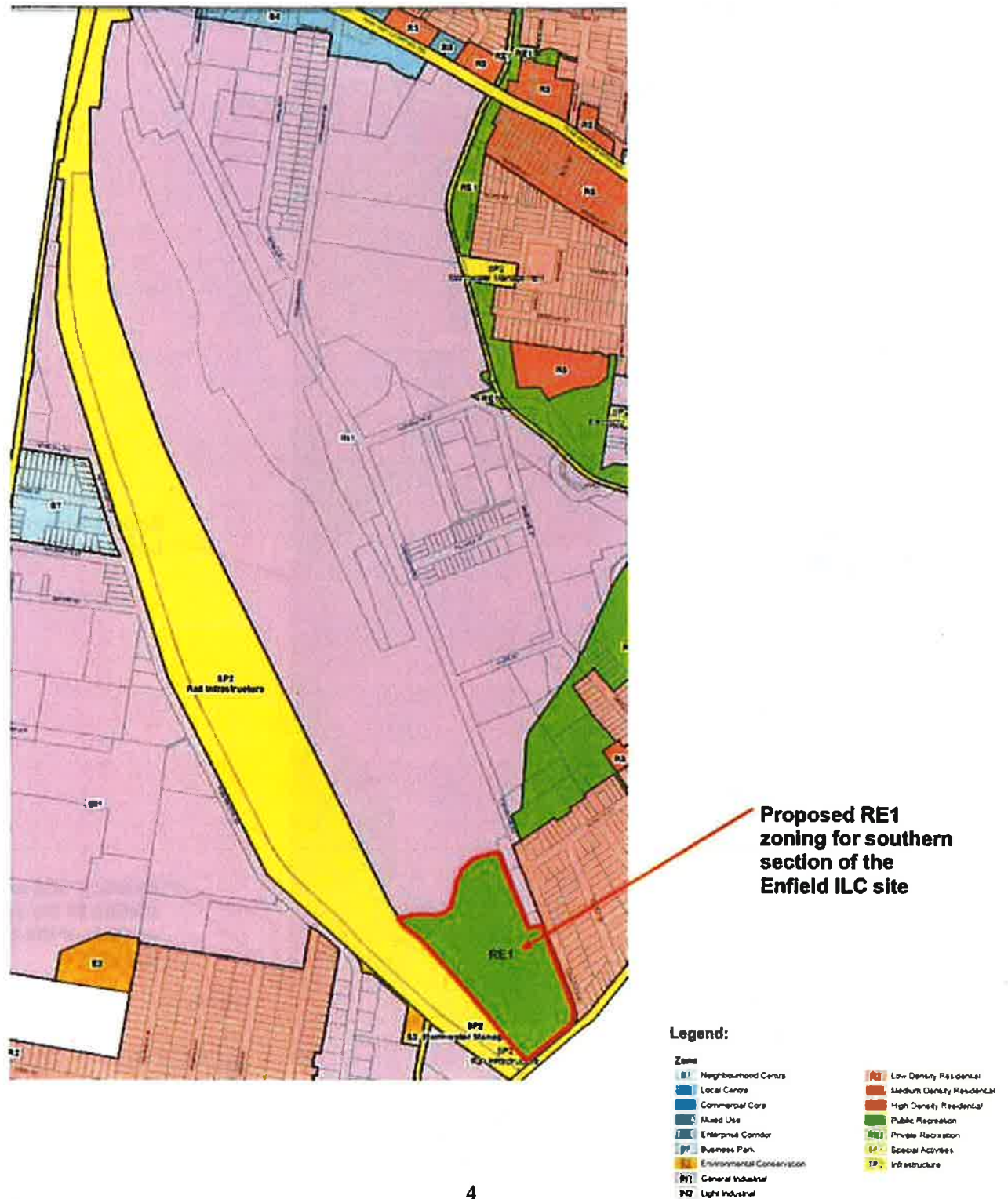


Subject Area:
Southern section of
the Enfield ILC site

MAP 2: CURRENT LAND USE ZONE UNDER STRATHFIELD LEP 2012



MAP 3: PROPOSED LAND USE ZONING



Part 2 – Explanation of Provisions that are to be included in the proposed LEP

This planning proposal has been proposed in order to amend the Land Zoning Map Sheet LZN_003 and Sheet LZN_006 of the Strathfield Local Environmental Plan 2012 in accordance with the proposed zoning shown in Map 3 as summarized in Table 1 below:

Part Lots 14 (DP 1007302), Cosgrove Road, Strathfield South

Table 1 Proposed Zoning Changes

Sites	Existing Zoning	Proposed Zoning
Part Lot 14 DP 1007302 at Cosgrove Road	RE2 Private Recreation & IN1 General Industrial	RE1 Public Recreation

Part 3 Justification For LEP:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal to rezone the subject area from part RE2 and part IN1 to RE1 is a result of consultation and studies undertaken as part of the public exhibition of the draft Strathfield Local Environmental Plan 2011. This is also consistent with the original 2007 NSW Department of Planning's approval of the Part 3A application for the Enfield Intermodal Logistics Centre (ILC) site (MP 05_0147) which indicated the intended use of the subject area as a "Community and Ecological Area" (refer attachment 1). In addition, the "Community and Ecological Area" has also been continuously indicated in Sydney Ports Concept Plans for the Enfield ILC site such as the 2010 version of the Concept Plan (refer attachment 2)

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of achieving the objectives or intended outcomes. This is consistent with the original approval (dated 5 September 2007) by reserving and providing the "Community & Ecological Area" as set out in the original Concept Design Layout (i.e. Community & Ecological Area). The aim of rezoning the southern section of the Enfield ILC site to RE1 zone is to ensure the implementation and protection of the 'Community & Ecological Area' for the local community consistent with the original application by Sydney Ports and consistent with the Minister's original Part 3A Project approval.

Due to the proximity of the surrounding local residential areas, the Community Ecological Area provides, in addition to increased open space and community amenity, some relief for local residents who will be significantly impacted by the twenty four hour operation of the Enfield ILC site and major increases in truck and vehicle movements.

Furthermore, progression of a separate Planning Proposal enables specific issues and concerns raised in previous submissions to the Strathfield LEP 2012 to be re-considered in greater detail and with community consultation specific to the subject site.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Metropolitan Strategy and Inner West Subregion Draft Subregional Strategy

The Draft Metropolitan Strategy for Sydney titled *Draft Metropolitan Strategy for Sydney to 2031* was released in March 2013. More detailed planning was proposed to follow and be incorporated into the Strategy framework via regional strategies and sub-regional strategies. In this respect the Inner West Subregion Draft Subregional Strategy was released for public comment on 30th June 2008.

The Draft Metropolitan Strategy is based on anticipated population, economic and demographic trends and has five outcomes as follows:

1. Balanced growth
2. A liveable city
3. Productivity and prosperity
4. Healthy and resilient environment
5. Accessibility and connectivity

The proposed zoning changes from part IN1 and part RE2 to RE1 is consistent with the outcome of healthy and resilient environment within Strathfield by enhancing the quality of the local environment, by providing community & ecological benefits and by creating a buffer from the main Enfield ILC site.

The proposed rezoning will also enable the community access to the community open space area whilst assisting to reduce the adverse impact from the Enfield ILC site to the adjoining residential areas.

The rezoning proposal is also consistent with the key action in the Draft Inner West Subregional Strategy to protect and promote recreational activity and environmental assets. The subject area comprises a habitat for Green and Golden Bell Frog (GGBF) which is protected by the RE1 zoning. In addition, the rezoning aims to promote the recreational uses by allowing access for the community for recreational and community activities.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council's Community Strategic Plan *Strathfield 2025* was adopted and reviewed by Council in September 2012. This strategic document sets the goals and strategies to achieve the shared vision from Council and Community. The Community Strategic Plan highlights the following five key themes:

1. Connectivity
2. Community Well-being
3. Prosperity and Opportunities
4. Liveable Neighbourhoods
5. Responsible Leadership

The planning proposal is consistent with the theme of 'Community Well-being' which sets the strategy to 'provide facilities, parks and open spaces to support a range of recreational and community activities'. The rezoning proposal seeks to return the subject area to Community for public recreational purpose.

The Planning proposal is also consistent with the theme of 'Liveable Neighbourhood'. This provides the direction for Council to ensure 'Strathfield's natural environment is protected and enhanced'. The RE1 zoning also assist to protect habitat areas for GGBF for public recreational purpose.

In addition, the planning proposal is consistent with LEP 2012 Part 1.2 (Aims) which states the following:

- (c) *to promote land uses which provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community,*
- (f) *to identify and protect environmental and cultural heritage, and*
- (g) *to promote opportunities for social, cultural and community activities.*

The Planning Proposal will ensure the Community & Ecological Area is implemented, reserved and protected to allow access to the open space area for community and recreational purposes and also to protect the habitat areas for GGBF habitat. The current IN1 General Industrial zoning does not allow the community access and potentially permits the operation of industrial related activities which has potential land use conflicts with the adjoining low density residential area (such as light spill, noise, traffic impact, etc.) and adverse impact on the GGBF habitat. Furthermore, industrial uses would clearly conflict with the operation and intent of the "Community & Ecological Area".

5. Is the planning proposal consistent with applicable state environmental planning policies?

There are no state environmental planning policies which would contravene the Planning Proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

Ministerial S117 Directions

New local planning directions were issued by the Minister for Planning under section 117(2) of the Environmental Planning and Assessment Act 1979 on 19 July 2007. These directions replaced previous s117 ministerial Directions.

Section 1.1 (Business and Industrial Zones) of the s117 Directions is applicable when Council prepares a planning proposal that affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The objectives of this Section are:

- (a) *encourage employment growth in suitable locations,*
- (b) *protect employment land in business and industrial zones, and*
- (c) *support the viability of identified strategic centres.*

Council is required under this Direction to include in a draft LEP provisions that will:

- (a) *give effect to the objectives of this direction,*
- (b) *retain the areas and locations of existing business and industrial zones,*
- (c) *not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) *not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) *ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

This Planning Proposal will result in minor decrease of industrial land, and thus have minimal impact on the employment land. Furthermore, the subject area has been set for the intended use for community since 2007 Part 3A project approval. Therefore, the community and environmental benefits outweigh its economic benefits.

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal to amend the zoning of the southern portion assists in protecting the habitat area for the GGBF. The existing southern portion of the Enfield ILC site zoned IN1 zoning as opposed to RE1 zoning is likely to adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

8. Are there any other likely environmental effects a result of the planning proposal and how are they proposed to be managed?

As noted above, there are no other likely environmental effects as a result of this planning proposal. (refer Question 11 regarding Mount Enfield contamination).

9. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will have positive social effects by allowing the local community access to community and open space areas for recreational purpose.

The Planning Proposal is not expected to have any adverse social or economic effects. Community consultation was undertaken to ascertain the community's views in respect to the draft Strathfield LEP 2011. The submission also limits NSW Ports' opportunities to use and/or sell this land for alternative purposes other than for the intended Community and Ecological use by applying RE1 zone on the southern portion of the Enfield ILC site.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal which involves the rezoning of the subject area to RE1 creates additional public infrastructure where will assist in the supply of community open space and ecological areas for the local community.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section will be completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination. Previously Sydney Ports did not support the RE2 zoning even though this conflicted with the original Minister Enfield ILC project approval which included this "Community and Ecological Area".

Recently Sydney Ports have indicated to Council that the "Community & Ecological Area" will be restricted by: the Mount Enfield soil contamination issues, the access easement to the adjacent Rail land, the need to restrict access to the GGBF habitat area and the limitations of the Tarpaulin Factory Sheds.

Council accepts that in creating a "Community and Ecological Area" there are various issues that will need to be addressed including access issues. Community and open space areas can function with access limitations and restrictions such as the Frog Habitat Areas. Whilst access to areas such as the Tarpaulin Shed will depend on whether this building is adapted, restored or relocated. Access to what is referred to as "Mount Enfield" may also possibly need to be limited due to the steep gradients irrespective of whether the soil contamination issues are addressed by Sydney Ports/NSW Ports.

PART 4 – Community Consultation

The proposal which involves the rezoning of southern section of the Enfield ILC site is not considered to be low impact as defined in section 5.5.2 Community Consultation of the Department of Planning & Infrastructure's guidelines to preparing local environmental plans.

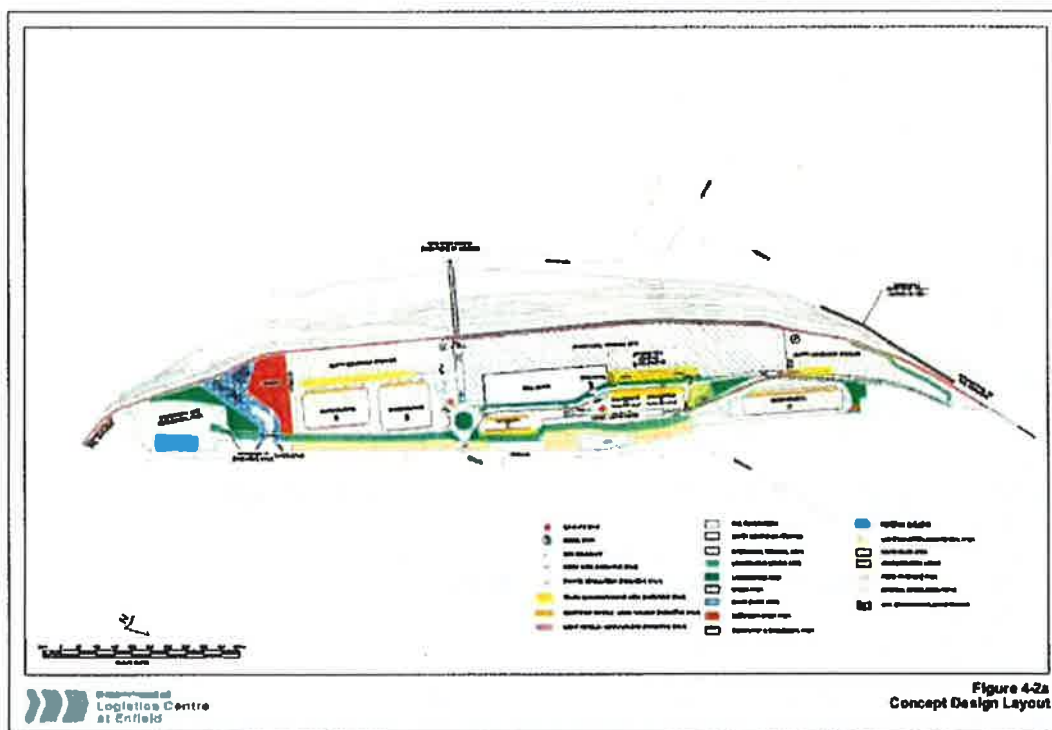
The proposed change of zoning from IN1 & RE2 to RE1 zone is not consistent with the pattern of surrounding RE2 Low Density Residential zones, and the IN1 General Industrial zoned land of the main section of the Enfield ILC site. Therefore it is recommended the planning proposal is to be publicly exhibited for a period of 28 days consistent with the Department's requirements.

PART 5 – Project Timeline

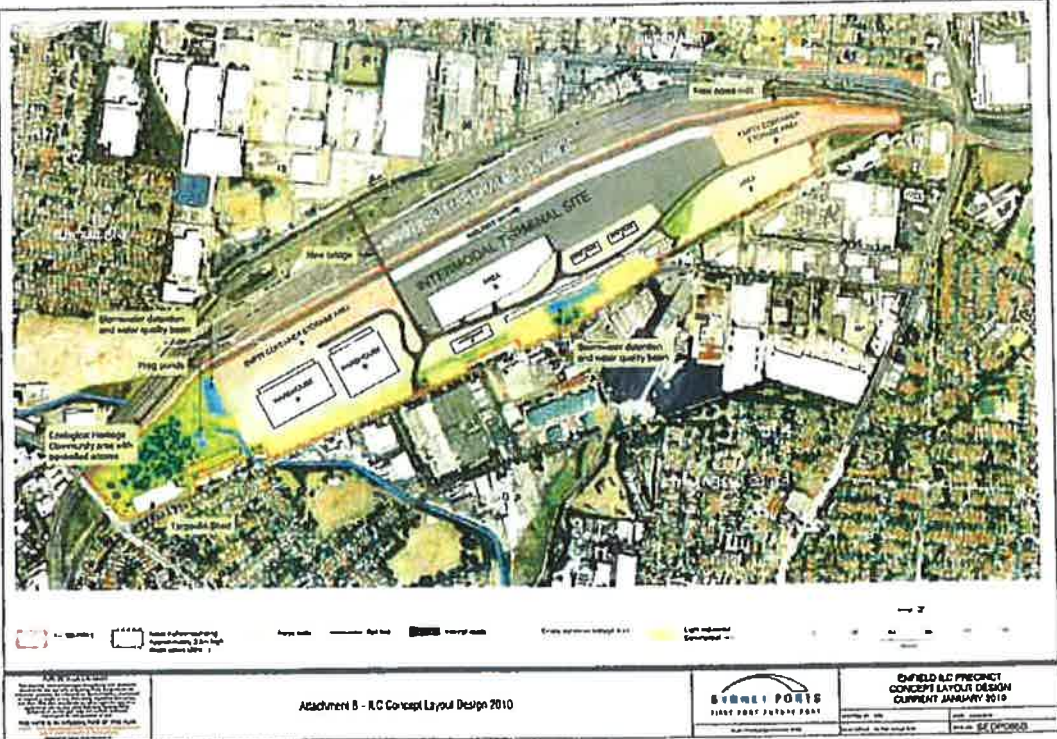
Council is intended to proceed this planning proposal and complete the project by the end of July 2014 in accordance with the proposed Project Timeline as outlined below:

Stage	Completion Date
Lodgement of Planning Proposal to the Department of Planning & Infrastructure	November 2013
Gateway determination Issued by the Department	December 2013
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation	January 2013
Commencement and completion dates for public exhibition period	February to March 2014
Timeframe for consideration of submissions	April 2014
Timeframe for the consideration of a proposal post exhibition	May 2014
Date of submission to the department to finalize the LEP	June 2014
Anticipated date RPA will forward to the department for notification	July 2014

ATTACHMENT 1
CONCEPT LAYOUT IN 2007 PROJECT APPROVAL DOCUMENTATION



2010 VERSION OF THE CONCEPT PLAN



ATTACHMENT B

Report by David Hazeldine, Director Technical Services

RECOMMENDATION

- 1. That Council resolve to endorse the draft Planning Proposal (refer Attachment 1) to attempt to rezone the southern section of the Enfield Intermodal Logistics Centre, Cosgrove Road, Strathfield South (part Lot 14, DP 1007302) from part IN1 General Industrial and part RE2 Private Recreation to RE1 Public Recreation.**
- 2. That Council resolve to forward the Planning Proposal to the Department of Planning & Infrastructure to commence the LEP plan-making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).**

PURPOSE OF REPORT

Council, at its Liveable Neighbourhood Committee meeting on 16 July 2013, resolved, inter alia (Minute No. P50/13):

"2. That Council pursue alternative methods of ensuring the southern section of the Enfield Intermodal Logistics Centre site becomes a 'Community and Ecological Area' in accordance with the Enfield ILC Part 3A approval including:

- c) Prepare a draft Planning Proposal that proposes to rezone part or all of the southern section of the Enfield ELC site to Recreation zoning so as to support the implementation of the 'Community and Ecological Area'."*

Council, also at its Liveable Neighbourhood Committee meeting on 17 September 2013, resolved, inter alia (Minute No. P71/13):

"(2) That Council resolve to further pursue actions in regard to traffic implications and the appropriate zoning of the "Community and Ecological Area" including preparation of a Planning Proposal in accordance with the 16 July 2013 Council resolution."

This report has been prepared in response to the above resolutions.

REPORT

Background

In September 2007, the Department of Planning approved the original Enfield ILC project application which included the 'Community & Ecological Area' in the southern portion of the site. In the preparation of the draft Local Environmental Plan (LEP) 2011, Council nominated IN1 General Industrial for the majority of the Enfield ILC site and RE1 Public Recreation zone for the southern section of the site as an appropriate zoning for the proposed "Community & Ecological Area'. These zonings were then publicly exhibited from January to March 2012 as part of the Draft Strathfield LEP public consultation.

**ITEM 5. PLANNING PROPOSAL TO REZONE THE SOUTHERN
SECTION OF THE ENFIELD INTERMODAL
LOGISTICS CENTRE**

The first step of creating a LEP amendment is the preparation of a Planning Proposal which is a document that explains the intended effect of the proposed LEP and justification for making the LEP. This process needs to be in accordance with the Department of Planning and Infrastructures "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans."

Therefore should it be decided by Council to pursue the Planning Proposal to amend the zoning of the 'Community & Ecological Area', the process would involve the following major steps:

- 1) Council considers whether to initially support the proposed amendment to commence the LEP plan making process.
- 2) A Planning Proposal is prepared by Council or the applicant to detail and justify the proposed change which is then submitted to the Department.
- 3) The Department undertakes an initial assessment and issues a gateway determination on whether or not to give Council the authority to continue the process and whether any additional studies are required.
- 4) Council publicly exhibits the Planning Proposal.
- 5) Council considers the submissions received and whether to submit the Planning Proposal to the Department to undertake its final assessment.
- 6) The Department undertakes its final assessment and forwards the LEP to the Minister who will either make or not make the LEP amendment.

The preparation of the draft Planning Proposal (refer Attachment 1) for the southern section of the Enfield ILC site is at initial stage of the LEP Plan Making process. Council's current consideration to submit the Planning Proposal to the Department is the third stage of the diagram (refer attachment 2) in the LEP Plan Making Process.

Conclusion

Council is aiming to seek appropriate zoning for the southern section of the Enfield ILC site in order to ensure the reservation and implementation of the "Community & Ecological Area".

Subject to Council approval it is intended to submit the planning proposal to the Department of Planning to commence the LEP plan making process under s56 of the EP&A Act 1979.

It should be noted that preparing the Planning Proposal and the other stages of this process such as liaison with the Department of Planning and Infrastructure, organising the community consultation, assessing the submissions and reporting to Council requires a significant allocation of Council staff time and resources.

If there are any subsequent impacts on Council's operational plan targets this will be reported in Council's six (6) monthly reporting.

REFERRAL FROM OTHER DEPARTMENT

No referral was required.

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. Planning Proposal to rezone the southern section of the Enfield ILC site from part IN1 General Industrial and part RE2 Private Recreation to RE1 Public Recreation.
2. LEP Plan Making Process Diagram.

ATTACHMENT C



**MINUTES OF THE EXTRAORDINARY MEETING OF THE
COUNCIL OF THE MUNICIPALITY OF STRATHFIELD
HELD ON 22 OCTOBER 2013**

**5. PLANNING PROPOSAL TO REZONE THE SOUTHERN SECTION OF THE
ENFIELD INTERMODAL LOGISTICS CENTRE SITE**

256/13

RESOLVED: (McLucas/Ok)

1. That Council resolve to endorse the draft Planning Proposal (refer Attachment 1) to attempt to rezone the southern section of the Enfield Intermodal Logistics Centre, Cosgrove Road, Strathfield South (part Lot 14, DP 1007302) from part IN1 General Industrial and part RE2 Private Recreation to RE1 Public Recreation.
2. That Council resolve to forward the Planning Proposal to the Department of Planning & Infrastructure to commence the LEP plan-making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Voting on this item was unanimous.

