

Rezoning southern section of Enfield Intermodal Logistics Centre Site from part IN1 and part RE2 to RE1.

Proposal Title : **Rezoning southern section of Enfield Intermodal Logistics Centre Site from part IN1 and part RE2 to RE1.**

Proposal Summary : **Proposed rezoning of the southern section of the Enfield Intermodal Logistics Centre (ILC) at Cosgrove Road, Strathfield South, from part IN1 General Industrial and part RE2 Private Recreation, to RE1 Public Recreation.**

PP Number : **PP_2013_STRAT_004_00** Dop File No : **13/18260**

Proposal Details

Date Planning Proposal Received : **01-Nov-2013** LGA covered : **Strathfield**

Region : **Sydney Region East** RPA : **Strathfield Municipal Council**

State Electorate : **STRATHFIELD** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Cosgrove Road**

Suburb : **Strathfield South** City : **Sydney** Postcode : **2136**

Land Parcel : **Part Lot 14 DP 1007302**

DoP Planning Officer Contact Details

Contact Name : **Andrew Watkins**

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RPA Contact Details

Contact Name : **Roger Brook**

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DoP Project Manager Contact Details

Contact Name : **Sandy Shewell**

Contact Number : **0285754115**

Contact Email : **sandy.shewell@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro Inner West subregion** Consistent with Strategy : **No**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Infrastructure's Code of Conduct has been complied with. Sydney Region East has not met with or communicated with any lobbyist in relation to this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The southern part of the Intermodal Logistics Centre (ILC) site is currently zoned part IN1 General Industrial and Part RE2 Private Recreation under the Strathfield LEP 2012. The planning proposal seeks to rezone this area to RE1 Public Recreation, in order to support the implementation of a 'Community Ecological Area', to provide an open space of benefit to the local community and to protect Green and Golden Bell Frog habitat.**

During exhibition of the Strathfield draft LEP 2012, NSW Ports (formerly Sydney Ports Corporation) objected to the proposed RE1 Public Recreation zoning on the basis that the RE1 zoning was inappropriate because the site was heavily contaminated and the public should only have limited access to it. The Department supported NSW Ports' objection.

Given its previous objections, NSW Ports was consulted upon receipt of this planning proposal prior to submitting the planning proposal to the LEP Panel. NSW Ports has confirmed its strong objection to the planning proposal on the following grounds:

- the ILC site is owned by the NSW Government, with NSW Ports the long term lessee;
- the southern part of the site is unsuitable for public open space or recreation due to contamination;
- the future use of the southern part of the site is approved under Part 3A as an area for landscaping, Green and Golden Bell Frog habitat and restricted public access;
- rezoning would bring the public closer to industrial uses and associated impacts such as noise. This could compromise site operations and future growth potential of the ILC site;
- the planning proposal does not consider strategic planning policies in relation to industrial, infrastructure and employment related matters.

A copy of the NSW Ports comments on this planning proposal is attached as 'Tag NSW Ports'.

External Supporting Notes : **Council supports the planning proposal as it considers it offers some relief for local residents who will be affected by the 24-hour operation of the ILC and major increases in vehicle movements.**

Council also considers the planning proposal would only result in a minor decrease in the amount of industrial land in the LGA.

At its meeting of 22 October 2013, Council resolved to forward the planning proposal to the Department Council has accepted general delegation of the Minister's plan-making

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functions under the EP&A Act, but has not indicated an intention to exercise the delegation in this instance.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to amend the zoning of the subject site from part IN1 and part RE2 to RE1 in order to support the implementation of a 'Community Ecological Area', to reserve the subject area as community space for the benefit of the local community, and to protect the habitat of the Green and Golden Bell Frog.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to amend the Strathfield LEP 2012 Land Zoning Map to show an RE1 Public Recreation zoning on the subject site.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **Council has not considered SEPP 55 Remediation of Land, the issue of site contamination and whether remediation will be required.**

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

1. Section 117 Direction 1.1 Business and Industrial Zones

The planning proposal is inconsistent with the Direction because it will not retain the areas and locations of existing business and industrial zones, and it will result in the reduction of the floor space area in the existing IN1 zone.

This inconsistency requires the approval of the Director General (or an officer of the Department nominated by the Director General). Approval of this inconsistency is not recommended because it is contrary to the consistency requirements of the Direction in that:

- the inconsistency has not been justified by an appropriate strategy approved by the Director General, nor by a study prepared in support of the planning proposal;**
- the inconsistency is not in accordance with the draft Metropolitan Strategy for Sydney 2031 nor the draft Inner West Subregional Strategy;**
- the inconsistency is not of minor significance.**

2. State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)

The planning proposal is inconsistent with this SEPP as the subject land has been used for purposes which fall within those listed in Table 1 of Managing Land Contamination Planning Guidelines SEPP 55 Remediation of Land, in particular, use as railway yards.

The planning proposal does not address the requirements of clause 6 of SEPP 55.

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal includes an extract from both the current and proposed zoning maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal suggests a public exhibition period of 28 days.**

Project timeline:

The planning proposal contains an estimated project timeline for completion within 9 months. This means that the planning proposal would be completed in July 2014, if it were supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : **The planning proposal does not sufficiently address inconsistencies with Section 117 Direction 1.1 Business and Industrial Zones, SEPP 55 Remediation of Land, the Metropolitan Plan for Sydney 2036, nor the Draft Inner West Subregional Strategy referred to above.**

Furthermore, the planning proposal does not address the draft Metropolitan Strategy for Sydney to 2031 (discussed below).

Proposal Assessment

Principal LEP:

Due Date : **March 2013**

Comments in relation to Principal LEP : **Strathfield LEP 2012 was notified on 15 March 2013. The planning proposal is considered inconsistent with Strathfield LEP 2012.**

During the public exhibition of the then draft Strathfield LEP 2012, NSW Ports (formerly Sydney Ports Corporation) objected to the proposed RE1 Public Recreation zoning. The Department supported this objection and agreed that such a zoning was inappropriate for contaminated land.

Assessment Criteria

Need for planning proposal : **Council, as the relevant planning authority, states that the planning proposal is a result of consultation and studies undertaken as part of the exhibition of the then draft Strathfield LEP, and considers it is consistent with the Department's original 2007 Part 3A approval for the Enfield Intermodal Logistics Centre site which indicated the intended use of the subject area as a "Community and Ecological Area".**

The Concept Plan within the Part 3A project does not specify a Standard Instrument zoning for this part of the ILC site. As part of the Standard Instrument LEP process, the site was zoned part IN1 General Industrial and part RE2 (Private Recreation). The proposed RE1 Public Recreation zone is not a direct 'translation' of the 'Community and

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Ecological Area" approved under the Part 3A project. Furthermore, the Department supported NSW Ports' (formerly Sydney Ports Corporation) submission on the draft Strathfield LEP 2012 that the public should only have limited access to the site.

Consistency with strategic planning framework :

1. Metropolitan Plan for Sydney 2036 (Metro Plan)
The planning proposal is considered inconsistent with the objectives of the Metro Plan which support the retention of existing strategically important employment lands, including freight terminals and support industries. Intermodal terminals are considered essential for improving the efficiency of the freight and logistics sector and in encouraging more freight onto the rail network. The Enfield Intermodal Logistics Centre is specifically referred to in the Metro Plan as an example of the NSW Government working with the Federal Government and private sector to plan and build new intermodal terminals in strategic locations across Sydney.

2. Draft Metropolitan Strategy for Sydney to 2031 (draft Metro Strategy)
The planning proposal is considered inconsistent with the strategic directions of the draft Metro Strategy. The planning proposal does not address Objective 13 of the draft Metro Strategy to provide a well located supply of industrial lands.

3. Draft Inner West Subregional Strategy 2008 (IWSS)
The planning proposal does not address Action A1.2.2 which seeks to ensure employment lands are protected and enhanced to support "the planned Enfield Intermodal Logistics Centre, and maximise the local economic development benefits of any future infrastructure investment."

Environmental social economic impacts :

1. Ecological impacts
The proposed RE1 zoning would assist in the protection of Green and Golden Bell Frog habitat identified as being located within the area the subject of the planning proposal. However, given that the Part 3A Project Approval (05_0147 September 2007) contains conditions relating to Green and Golden Bell Frog habitat creation and mitigation measures at the southern end of the ILC site, the proposed rezoning is considered unnecessary in this regard.

2. Contamination
Further to the planning proposal's inconsistency with SEPP 55 referred to under the 'Adequacy' tab above, NSW Ports advises that the site is contaminated and is unsuitable for unrestricted public access.

3. Social effects
Were the planning proposal to be supported, it could have positive social impacts in that it could allow the community access to open space for recreational purposes. However, this is not considered sufficient to outweigh the inconsistencies with the strategic planning framework, Section 117 Direction 1.1 and SEPP 55 discussed in this report.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage NSW Treasury Transport for NSW - RailCorp Sydney Ports Corporation Adjoining LGAs		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **The planning proposal should not proceed because it seeks to amend the zoning provisions in a way which would be inconsistent with, or has failed to provide sufficient justification in relation to:**
 - Section 117 Direction 1.1 Business and Industrial Zones;
 - SEPP 55 Remediation of Land;
 - the Metropolitan Plan for Sydney 2036;
 - the draft Metropolitan Strategy for Sydney to 2031;
 - the draft Inner West Subregional Strategy 2008.

NSW Ports, which is the long term lessee of the ILC site, strongly objects to the planning proposal.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
4241_001.pdf	Proposal	Yes
Tag NSW Ports.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **1.1 Business and Industrial Zones**

Additional Information : **It is recommended that the planning proposal should not proceed on the basis that the proposal is inconsistent with:**

- Section 117 Direction 1.1 Business and Industrial Zones;
- SEPP55 Remediation of Land;
- the Metropolitan Plan for Sydney 2036;
- the draft Metropolitan Strategy for Sydney to 2031;
- the draft Inner West Subregional Strategy 2008

and NSW Ports strongly objects to any proposed rezoning of the Enfield ILC site.

Supporting Reasons : **In summary, the proposed rezoning is considered inappropriate due to inconsistencies with Section 117 Direction 1.1, SEPP 55 and the strategic planning framework; and the objections raised by NSW Ports discussed in this report.**

Furthermore, NSW Ports has advised that the site has been identified in the NSW Long Term Transport Master Plan and draft NSW Port and Freight Strategy as playing an

