

21 November 2013

Sandy Shewell
A/Team Leader Sydney Region East
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms Shewell,

Re: Strathfield Council Planning Proposal to Rezone the Southern Precinct of the Enfield Intermodal Logistics Centre

I refer to your email to Daniela Vujic dated 6 November 2013, which requests: NSW Ports' advice as to whether the southern portion of the Enfield Intermodal Logistics Centre (ILC) site continues to be required by NSW Ports; whether NSW Ports is supportive of a change in zoning of the subject area; and if there are any other matters that may be relevant to the assessment of Strathfield Council's (Council's) Planning Proposal.

NSW Ports has reviewed the proposed Planning Application prepared by Strathfield Council and **strongly objects to any proposed rezoning of the Enfield ILC site.**

On 31 May 2013, NSW Ports purchased the 99 year lease rights for the Enfield ILC site from the NSW Government. The NSW Government remains the landowner of the site, with NSW Ports as the long term custodian of this land on behalf of the Government and the people of NSW.

The recent sale of the Enfield ILC lease rights by the NSW Government was premised on a number of factors including the current land use zoning of the site. The proposal being presented by Council has serious implications for the ability to use and develop the Enfield ILC site to cater for the long term trade needs for the people of NSW. The proposed rezoning has the potential to constrain operations and growth potential of the site, adversely affecting the long term value of the site to the NSW Government and NSW Ports.

NSW Ports is aware that Council has had a long history of opposing the ILC development at Enfield. The southern precinct forms part of the approved ILC development (Major Project No. 05_0147) and is being transformed from a highly modified and degraded landscape to a vegetated area with some ecological habitat for the Green and Golden Bell Frog, with the opportunity for restricted community access. A recent proposal by Council to rezone the southern portion of the ILC site was not supported by the Minister for Planning & Infrastructure as part of the gazettal of the Strathfield Local Environmental Plan 2012 (LEP 2012) in March 2013. NSW Ports is not aware of any additional strategic assessments that have been undertaken since the gazettal of LEP 2012 to justify the proposed rezoning application nor has Council consulted with NSW Ports regarding the proposal.

NSW Ports also considers Council's proposed justification for the rezoning to be unfounded and without strategic merit for the following reasons:

- Council's concern that NSW Ports may sell the southern portion of the ILC site is unfounded as the land is owned by the NSW Government, with NSW Ports the long term lessee. NSW Ports is therefore unable to sell the site.
- The southern precinct of the ILC site is unsuitable for public open space or recreation for a number of reasons, including that contamination levels make the area suitable for restricted public access only. Additionally, the Project's herpetologist expert has recommended that the Green and Golden Bell Frog habitat area is to have restricted and supervised access only. Rezoning the southern precinct to RE1 is therefore not appropriate.
- The future use of the southern portion of the ILC is approved under the Part 3A Project Approval as an area with landscaping, Green and Golden Bell Frog habitat and restricted public access. This cannot be changed without a further planning approval. Rezoning the southern precinct to RE1 Zone is therefore not warranted. (Refer to Attachment 1 for further supporting information)
- Rezoning the southern precinct to an RE1 Zone would bring members of the public closer to the industrial uses on the site and expose these users to impacts from site operations such as noise. This has the potential to compromise site operations and the future growth potential of the ILC site.
- The Planning Proposal has not considered consistency against industrial, infrastructure and employment land related aspects of relevant strategic planning policies. For example the NSW Government's draft *Metropolitan Strategy for Sydney 2031* (draft Metropolitan Strategy) identifies that industrial lands located close to rail, major roads and intermodal terminals as having high strategic value and requires a compelling argument to be demonstrated that the industrial land could not be used for an industrial purpose now or in the foreseeable future. (Refer to Attachment 1 for further supporting information)

NSW Ports considers that it is inappropriate and unjustified for the Department to progress this proposal further. Should the Department progress with this proposal NSW Ports considers that further discussions would be required between the Department, NSW Ports and NSW Treasury as a matter of priority.

We would appreciate the Department keeping us informed of this matter. Should you wish to discuss this letter further please contact Daniela Vujic, Senior Planning and Environmental Manager on ph: 9296 720.

Yours sincerely,



Tim Blood
Managing Director

CC: Sam Haddad, Department of Planning & Infrastructure
Tim Spencer, NSW Treasury

Attachment 1 – Supporting Information.

1) Part 3A Project Approval and suitability of the southern precinct for non-industrial activities

The southern precinct forms part of the approved Intermodal Terminal development (Major Project No. 05_0147) under Part 3A of the *Environment Planning & Assessment Act, 1979* (EP&A Act). The Environmental Assessment (EA) submitted for the Project identified the area as providing an opportunity to enhance the site's ecological value and community amenity given the site's previous highly modified and degraded landscaped state. The future use of the Tarpaulin Factory was unknown at the time the EA was prepared and a commitment was made that the future use of the Tarpaulin Factory would be subject to separate consideration.

As part of enhancing the site's ecological value and community amenity, the Project proposed revegetation works and habitat creation for the Green and Golden Bell Frog (given there was a limited area of potential foraging habitat present in a degraded form). It was also identified that there was an opportunity to provide community access to the area under supervised conditions (refer to section 4.7 of the EA, prepared by SKM dated October 2005). In addition, Project Modification Application No. 5, which was approved on 10 November 2011, reiterated the intention for managed public access stating as a commitment, *"the southern part of the ILC site which includes the reconfigured Mt Enfield will be fenced, landscaped and have restricted access by the general public"*.

The southern precinct of the ILC site is unsuitable for public open space or recreation for a number of reasons including: regular movement of rolling rail stock and rail maintenance vehicles within the active rail corridor, access track and access easement that traverses three sides of the southern area; steep slopes of Mt Enfield; presence of constructed habitat for the endangered Green and Golden Bell Frog, which is recommended by the expert herpetologist to have restricted and supervised access only; and contamination levels making the area suitable for restricted public access only.

The southern portion of the ILC site has not been identified for 'exclusive' community and ecological uses under the approved Part 3A application. The Part 3A Project Approval ensures the southern precinct is developed in accordance with the commitments made in the EA regarding landscaping, habitat creation for the Green and Golden Bell Frog and public access.

NSW Ports is committed to complying with the Project Approval for the site, including commitments relating to the southern precinct. The future use of the Tarpaulin Factory is still to be progressed.

2) State Government planning policies applicable to the Enfield ILC site

The NSW Government's draft *Metropolitan Strategy for Sydney 2031* (draft Strategy) identifies industrial lands located close to rail, major roads and intermodal terminals as having high strategic value. The draft Strategy acknowledges that there is a need for new industrial lands over the next 20 years, especially around freight corridors (refer to Objective 13 of the draft Strategy). A policy statement / criteria of the draft Strategy requires proposals to rezone existing industrial lands to complete the Industrial Lands Strategic Assessment Checklist (as outlined on page 49 of the draft Strategy). The

Checklist requires a compelling argument to be provided that the industrial land cannot be used for an industrial purpose now or in the foreseeable future.

The retention of industrial land at Enfield was identified within the *draft Inner West Subregional Strategy* (2008) (draft IWSS). Specifically, the draft IWSS identified the Enfield Marshalling Yards and surrounds, which includes the Enfield ILC site as being one of the most significantly intact concentration of industrial land in the Inner West. A specific action of the draft IWSS (action IW A1.2.2) was for DP&I and Sydney Ports Corporation to work with Council to ensure such Employment Lands are protected.

The Enfield ILC site has also been identified within the *NSW Long Term Transport Master Plan* (December 2012) and *draft NSW Port and Freight Strategy* (November 2012) as playing an important role in delivering greater capacity across the freight transport network and facilitating efficiency improvements to the supply chain.