



Mr David Backhouse
General Manager
Strathfield Municipal Council
PO Box 120
Strathfield NSW 2135

15/08663

Dear Mr Backhouse

Planning proposal to amend Strathfield Local Environmental Plan 2012

I am writing in response to Council's letter dated 12 February 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to rezone the southern section of the Enfield Intermodal Logistics Centre (ILC) from IN1 General Industrial to RE2 Private Recreation.

As delegate of the Minister for Planning, I have now determined the planning proposal should not proceed for the reasons outlined in the attached Gateway determination.

Community and Ecological Area

The Department considers that the Community and Ecological Area is not suitable for public access and recreational use.

The Enfield ILC Overarching Operational Environmental Management Plan, Landscape, and Ecological Area Management Plan and Environmental Impact Statement, clearly articulate that no open access or unrestricted public recreational use within the area should be allowed due to site hazards (proximity to rolling rail stock and contaminated spoil) and the need to protect the Green and Golden Bell Frog habitat area.

Additionally, the Part 3A approval was premised on the land being intrinsic to the operation of Enfield ILC, and NSW Ports considers the IN1 General Industrial zone the most appropriate zoning for that section of the site.

Site Contamination

The planning proposal is not consistent with *State Environmental Planning Policy 55 - Remediation of Land* (SEPP 55) and the Council's justification for the inconsistency is not sufficient.

As the site has been used for purposes which include use as railway yards, the SEPP requires Council, as the planning authority, to obtain and give regard to the findings of a preliminary investigation into the nature of the contamination. Council has not provided additional studies to support the proposed rezoning. Council's position that the inconsistency could be justified subject to further investigation following the Gateway determination and that it is the responsibility of NSW Ports, and not Council, to undertake the investigation is not supported. There is no

requirement for NSW Ports to further investigate the site contamination or remediation of the land to a level required for public recreation, as this is outside of the Enfield ILC Approval.

Additionally, the Site Contamination Study undertaken as part of the Part 3A Enfield ILC approval assessed the soil and water contamination levels in the Community and Ecological Area and found that soil contamination exceeds the minimal safe standards for public open space. NSW Ports has reiterated that the site is contaminated and unsuitable for unrestricted public access.

Consistency with s117 Directions

The inconsistency with section 117 Direction 1.1 Business and Industrial Zones has not been justified by an appropriate strategy, nor by a study prepared in support of the planning proposal. The inconsistencies with section 117 Direction 7.1 Implementation of *A Plan for Growing Sydney* has not been justified and would have the effect of undermining the Plan's goals and priorities.

If you have any queries in regard to this matter, I have arranged for Mr Lee Mulvey of the Metropolitan (CBD) branch to assist. Mr Mulvey can be contacted on (02) 9228 6512.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

14/08/2015