

Report by Ash Chand, Acting Manager Strategic Planning

RECOMMENDATION

- 1. That Council support the draft Planning Proposal to attempt to rezone the southern section of the Enfield Intermodal Logistics Centre, Cosgrove Road, Strathfield South (part Lot 14, DP 1007302) from IN1 General Industrial to RE2 Private Recreation.**
- 2. That Council forward the Planning Proposal to the Department of Planning & Environment 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 meeting on 4 November 2014, resolved (Minute No. P268/14)

“That a report be submitted to the December 2014 Ordinary Meeting on the feasibility of preparing a Planning Proposal that attempts to rezone the southern portion of the Enfield Intermodal Logistics Centre as ‘RE2 Private Recreation’ as a part of 2 stage process to rezone the land eventually to ‘RE1 Public Recreation’. This should take into consideration the outcomes of the upcoming meeting between NSW Ports, Department of Planning & Infrastructure and Strathfield Council.”

Further to the above resolution, Council also resolved on 2 December 2014, inter alia (Minute No. P329/14):

“(2) That Council prepare a Planning Proposal to attempt to rezone the southern section of the Enfield Intermodal Logistics Centre from ‘IN1 General Industrial’ to ‘R2 Private Recreation’.”

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

REPORT

Background

Under the Strathfield Planning Scheme Ordinance 1969 (SPSO), the subject site was zoned Special Uses 5(b) – Railways. In March 2013, the Department as part of finalising the Strathfield LEP 2012 rezoned the whole Enfield ILC site as IN1 Industrial despite Council nominating the southern section as RE1 Public Recreation in the final version of the Draft LEP.

In October 2013, Council submitted a Planning Proposal to rezone the southern section of the Enfield Intermodal Logistics Centre (i.e. the ‘Community & Ecological Area’) from part IN1 General Industrial and part RE2 Private Recreation to RE1 Public Recreation.

In December 2013, the Gateway Determination was issued by the Department of Planning & Environment (Department) advising Council that the Planning Proposal should not proceed.

On 4 March 2014, Council resolved to accept the Department’s invitation to meet with NSW Ports to further discuss the zoning matters associated with the Gateway Determination in December 2013.

Representation was subsequently made by Council to the then Minister for Planning Hon. Brad Hazzard and the local member for Strathfield Mr. Charles Casuscelli with the intention to seek

Gateway Review. The new Minister for Planning Hon. Pru Goward provided a response by advising that the 40 day period for review had lapsed, however she directed further dialogue be facilitated by the Department between NSW Ports and Council (refer Attachment 1).

A meeting facilitated by the Department was held on 12 November 2014 between Council, NSW Ports at the Enfield Intermodal Logistics Centre (ILC) site, however there was no agreement reached at the meeting in regard to the zoning.

Subsequent to the above meeting, Council resolved on 2 December 2014 that Council prepare a new Planning Proposal to attempt to rezone the southern section of the Enfield ILC from 'IN1 General Industrial' to 'RE2 Private Recreation'.

As part of the preliminary stage of preparing this Planning Proposal in December 2014, Council invited NSW Ports to meet for preliminary consultation as part of the process.

On 12 January 2015, NSW Ports indicated it did not want further consultation and reconfirmed that its position in relation to the zoning of Enfield ILC remains unchanged (refer Attachment 1).

The Planning Proposal

As indicated above, the draft Planning Proposal (refer attachment 1) seeks to amend the zoning to the southern section of the Enfield ILC site from IN1 General Industrial to RE2 Private Recreation zoning. The main intention of this Planning Proposal is to support the implementation of the 'Community Ecological Area' by zoning and reserving the subject area as recreational space.

In applying the RE2 Private Recreation zoning, the subject area is reserved as recreational space for the long term benefit of the local community in addition to the existing RE2 Private Recreation zoned habitat area for Green Golden Bell Frog.

Council intends to pursue the recreational zoning as part of a two-stage process and eventually move to the most appropriate zoning (i.e. RE1 Public Recreation) for the "Community Ecological Area".

The attached Planning Proposal has been prepared in accordance with the Department's guide to prepare planning proposals. It comprises five parts as follows:

- Part 1 – Objectives or Intended Outcomes
- Part 2 – Explanation of Provisions that are to be included in the proposed LEP
- Part 3 – Justification For LEP
- Part 4 – Community Consultation.
- Part 5 – Project Timeline

It is considered that the above specific matters and requirements of section 55 of the EP&A Act 1979 have been adequately addressed in the Planning Proposal (refer Attachment 1) and it is therefore recommended that Council supports this proposal.

Planning Proposal Process

For Council to attempt to amend the zoning as outlined in the Planning Proposal in the Strathfield LEP 2012, the Department of Planning and Environment's LEP plan making process needs to be followed (refer Attachment 2).

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's "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans."

The preparation of the draft Planning Proposal for the southern section of the Enfield ILC site is at initial stages 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 long term 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 including public consultation.

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 Environment, organising the community consultation, assessing the submissions and reporting to Council require a significant allocation of Council staff time and resources.

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

Report approved by:

David Hazeldine
Director Technical Services

ATTACHMENT 1



**PLANNING PROPOSAL TO
REZONE THE SOUTHERN SECTION OF THE
ENFIELD INTERMODAL LOGISTICS CENTRE SITE
PART LOT 14, DP 1007302 AT COSGROVE ROAD,
STRATHFIELD SOUTH**

DRAFT

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 IN1 Industrial (south of the existing RE2 Private Recreation) to RE2 Private Recreation.

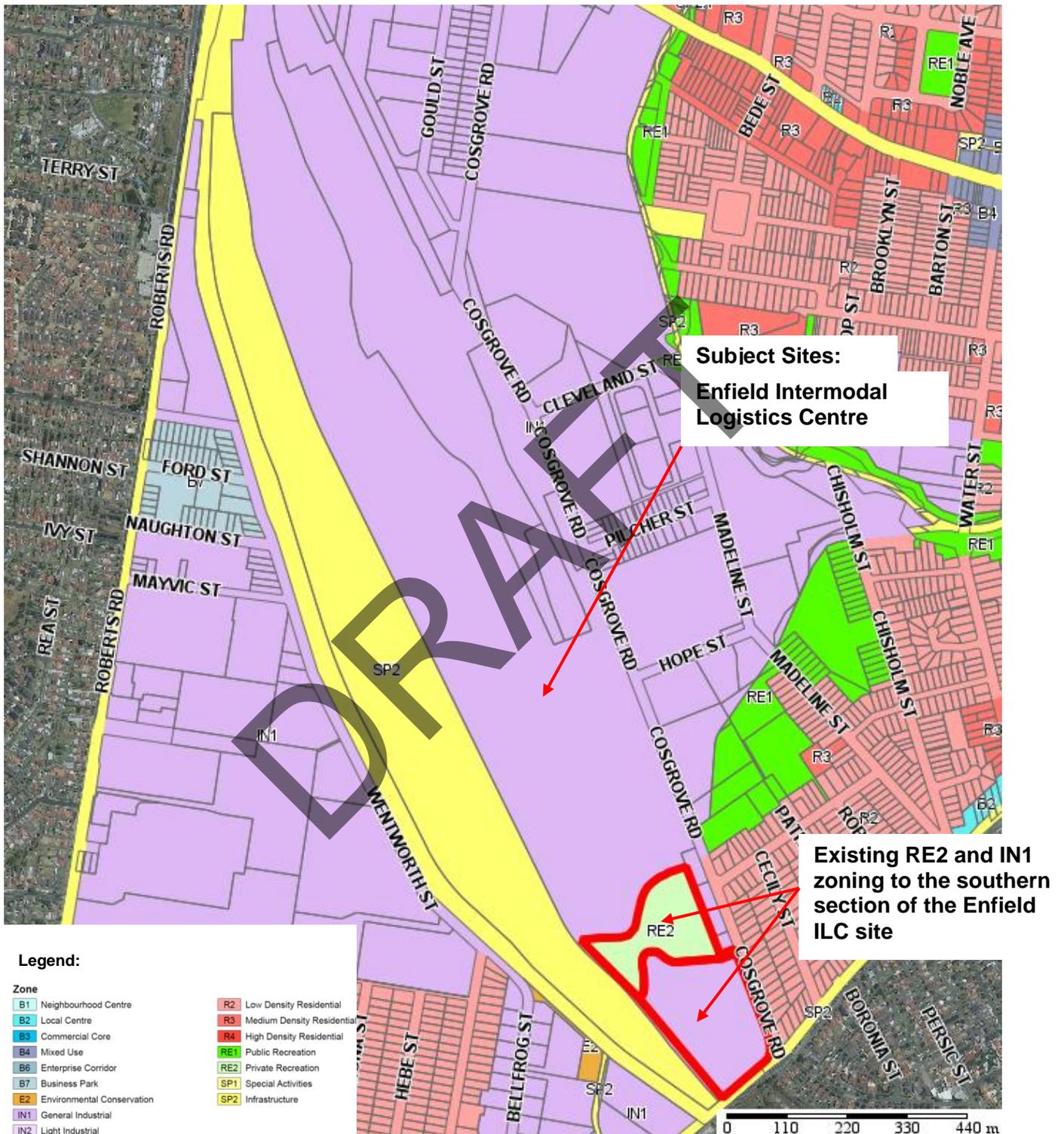
This is to support the implementation of the 'Community Ecological Area' by zoning and reserving the subject area as community recreational space for the benefit of the local community and is also consistent with the adjacent RE2 Private Recreation zoned area directly to the north which aims to protect the habitat area for Green Golden Bell Frog (GGBF).

MAP 1: THE LAND SUBJECT TO THE PLANNING PROPOSAL

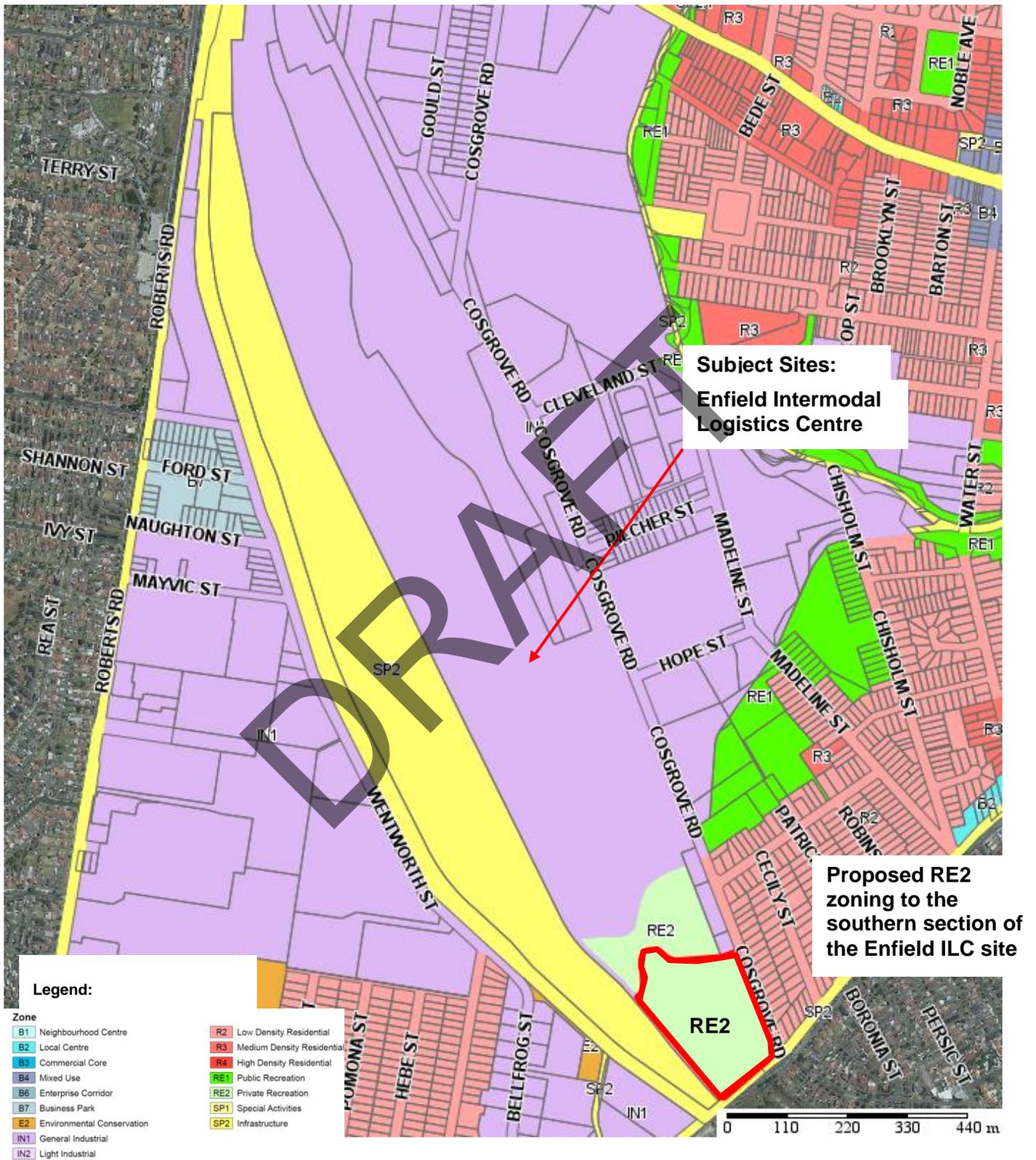


Subject Area:
**Southern section of
the Enfield ILC site**

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

Part Lot 14, DP 1007302 at Cosgrove Road	Existing Zoning	Proposed Zoning
Land Zoning	IN1 General Industrial	RE2 Private 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 (southern section of the Enfield ILC site) from IN1 General Industrial to RE2 Private Recreation is the result of Council direction and investigation. Council direction and investigation is supported by the community consultation and studies undertaken as part of the public exhibition of the draft Strathfield Local Environmental Plan 2011.

In general, the 2007 Minister's Approval for the Enfield ILC site nominated that the southern section of the Enfield ILC site is a "Community Ecological Area" and not part of the operational component of the site.

However, the then Department of Planning & Infrastructure overturned Council's section 68 version of the Draft LEP by changing the southern section of the Enfield ILC from RE1 Public Recreation to part IN1 General Industrial and part RE2 Private Recreation when finalising the Strathfield LEP 2012 in March 2013.

Council attempted again to rezone the subject area from part IN1 and part RE2 to RE1 by submitting a Planning Proposal on 30 October 2013. Again Council's proposed RE1 zoning of southern section of the Enfield ILC is consistent with the 'Community & Ecological Area' as stipulated in the Minister's 2007 approval and is in the interests of the local adjoining community. Council also noted that the Enfield ILC site had never been zoned Industrial¹ or exhibited as IN1 General Industrial. Therefore, the Department was ignoring its own policy and directions by applying IN1 General Industrial as a new zone to the subject site without public consultation.

Subsequent to Council's attempt to rezone the subject area, the Department of Planning & Environment (Department) however advised that the rezoning proposal should not proceed on 19 December 2013 based on the following reasons:

¹ Note: the site was zoned Special Uses 5(b) – Railways previously under the Strathfield Planning Scheme Ordinance 1969 (SPSO). The previous zoning was intended for any works relating or ancillary to Railway uses with consent from Council (e.g. general industrial uses were prohibited).

- Inconsistency with State Government's policies and legislation e.g. Metropolitan Strategy (*refer Q.3 for Council response*)
- Inadequate justification for the departure from the NSW strategic planning framework which identifies the site as important to the freight transport network (*refer Q.2 for Council response*)
- Not adequately addressing the level of the site contamination and the impacts of contamination on the proposed zoning (*refer Q.5 for Council response*)
- Insufficient evidence based data to demonstrate that the rezoning does not reduce the capacity of operations or otherwise constrain operations at the site (*refer Q.2 for Council response*)
- Not providing any additional strategic assessment to justify a reconsideration of the rezoning (*refer Q.9 for Council response*)

Council, at its ordinary meeting held on 4 November 2014, resolved to (Minute No. 268/14):

"That Council prepare a report on the feasibility of preparing a Planning Proposal that attempts to rezone the southern portion of the Enfield Intermodal Logistics Centre as "RE2 Private Recreation". This should take into the consideration the outcomes of the upcoming meeting between NSW Ports, Department of Planning & Infrastructure and Strathfield Council."

At its ordinary meeting held on 2 December 2014, Council considered a report in relation to the Enfield Intermodal Logistics Centre (ILC) and resolved to prepared a Planning Proposal to attempt to rezone the southern section of the Enfield ILC from 'IN1 General Industrial' to 'RE2 Private Recreation'.

This Planning Proposal seeks to address the above resolutions. The proposed rezoning is also consistent with the original 2007 NSW Department of Planning's approval of the Part 3A application for the Enfield ILC site (MP 05_0147) which indicated the intended use of the subject area as a "Community and Ecological Area" (*refer appendix 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 appendix 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 for the following reasons:

- The Strathfield Local Environmental Plan 2012 was gazetted in March 2013 by the Department with the new IN1 zoning to the subject area (which had not been publicly exhibited).
- The Planning Proposal is the only method of amending the zoning as contained in the Strathfield Local Environmental Plan 2012 to be consistent with Council's section 68 submission (i.e. RE1 Public Recreation zoning) and the community expectation.
- At the 12 November 2014 meeting organised by the Department for Council and NSW Ports to discuss the zoning of the southern section of the site. NSW Ports indicated that they wanted to retain the IN1 Industrial zoning as they envisage the subject site to be the buffer area to the Enfield ILC operational area due to the site contamination and constraints (*refer Q.5 and Q.8 for Council Response*), and would not be interested in amending the zoning to RE2 or RE1.
- The rezoning of the southern section of the Enfield ILC site to RE2 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.
- The Planning Proposal acknowledges that the Enfield ILC site is part of the NSW freight transport network, however the southern section of the site is recognised through the Part 3A approval as a 'Community and Ecological Area'. Therefore zoning for the southern section of the site consistent with Part 3A approval does not impact the employment and capacity of the Enfield ILC site operations (as approved by the Minister in 2007).

- NSW Ports have refused Council's invitation to further consult on this matter (refer Appendix 6), therefore providing Council has no other choices but to pursue the zoning issue through a Planning Proposal process.

Due to the proximity of the surrounding local residential areas, the Community Ecological Area provides, in addition to increased open space and community amenity, a green buffer and relief for adjacent residents who will be significantly impacted by the twenty four hour operation of the Enfield ILC site, freight trains from Port Botany 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. It also creates further opportunity for community consultation specific to the subject site to verify the public views on the sites zoning and usage.

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 final Metropolitan Strategy for Sydney titled *A Plan for Growing Sydney* was released on 14 December 2014. More detailed planning was proposed to follow and be incorporated into the Strategy framework via regional strategies and sub-regional strategies. The current Inner West Subregion Draft Subregional Strategy is still in effect.

A Plan for Growing Sydney

The Metropolitan Strategy for Sydney sets out goals and corresponding actions at the nominated priority areas. These goals are:

1. A competitive economy with world-class services and transport
2. A city of housing choice with homes that meet our needs and lifestyles
3. A great place to live with communities that are strong, healthy and well connected
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

The proposed zoning change from IN1 to RE2 is consistent with the Goal No. 4 by enhancing the quality and sustainability of the local environment. This goal can be achieved by applying a balanced land use approach for the Enfield ILC site e.g. to ensure the southern section of the Enfield ILC is zoned recreational purpose to provide the community & ecological benefits and to creating a buffer from the main Enfield ILC site, whilst the development and operation of the Enfield ILC is not compromised.

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.

Furthermore, the proposed RE2 Private Recreational zoning supports the intent of the 'Community & Ecological Area' as part of the Part 3A Minister's approval. Notwithstanding the proposed rezoning from IN1 to RE2 is inconsistent with the Goal 1, it will result in minor technical decrease of former

Special Uses – Railways zoned land (which has only been zoned IN1 General Industrial since March 2013). Irrespective of this, the Department would have already assessed any inconsistencies with state policies including Metropolitan Strategy at the Part 3A project assessment stage prior to the issue of project approval in 2007, which nominated the subject site as ‘Community and Ecological Area’.

In addition, due to the topography of the ‘Mt Enfield’ mound, the southern section of the Enfield ILC site is limited in its industrial usage capability except for the level areas surrounding the Tarpaulin Shed.

Draft Inner West Subregional Strategy

The Draft Inner West Subregional Strategy acts as an intermediate level of policy document that translates the metropolitan plan into a subregional level to guide the future development in this area. Strathfield is part of the Inner West Subregional area under the previous metropolitan planning framework (i.e. 2005 Metropolitan Strategy, City of Cities: A Plan for Sydney’s Future.)

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 RE2 zoning. In addition, the rezoning aims to promote the community and recreational uses by allowing access for the community for recreational and community activities.

It is also noted that the new Sydney Metropolitan Plan 2014 – A Plan for Growing Sydney has re-configured Strathfield into the Central subregion. However, the details of this subregional strategy have not yet been released to enable Council for further assessment.

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 June 2013. 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

This 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 ensure the subject area be used for recreational purpose as part of the two stage process to rezone the subject land eventually to ‘RE1 Public Recreation’.

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 RE2 zoning also assist to protect habitat areas for GGBF for 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 area for community and recreational purposes. 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 potential adverse impact on the adjacent RE2 zoned area for GGBF habitat to the north of the subject site. Furthermore, industrial uses would clearly conflict with the implementation, operation and intent of the “Community & Ecological Area”.

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

The State Environmental Planning Policies directly applicable to the planning proposal are addressed below:

State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land

The SEPP 55 – Remediation of Land aims to provide for a state-wide planning approach to the remediation of contaminated land. In accordance with *Managing Land Contamination Planning Guidelines for SEPP 55 – Remediation of Land*, the previous use as rail yards may cause contamination, therefore the SEPP 55 is deemed relevant.

Pursuant to clause 6 of the SEPP 55, Council has considered the land contamination matter for the subject land at the preparation of this Planning Proposal.

Whilst there is low level of contamination in the Mt Enfield mound, according to NSW Ports, the contamination issue does not preclude public access as they are proposing to the ‘Mt Enfield’ mound. However, the landowner should be obliged to potentially further remediate the site for the purposes of community and ecological use (as consistent with the Part 3A approval for Enfield ILC in 2007) subject to further investigation.

Furthermore, any contamination issue can also be dealt with in the interim by restricted access for affected areas until such contamination of the Mt Enfield mound is satisfactorily remediated for recreational purposes.

Therefore, Council considers any inconsistency with this SEPP could be justified subject to further investigation following the Gateway Determination.

It is also noted the level of site contamination and remediation is a matter for the site owner and of compliance with the original conditions of consent. Therefore, it is NSW Port’s responsibility (not Council) to provide further investigation into any contamination and remediation requirements .

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 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 1 July 2009. The Ministerial Directions (s.117 directions) directly applicable to the Planning Proposal are addressed below:

DRAFT

1.1 Business and Industrial Zones

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.*

The inconsistency with this direction is of minor significance as this Planning Proposal will result in minor decrease of industrial land (e.g. approximately 7% of the overall 57.6 hectares Enfield ILC IN1 area), and thus have minimal impact on the employment land. It is noted that this inconsistency would have already been dealt with in the assessment and approval of the Enfield ILC Part 3A approval in 2007.

In addition, under the Strathfield LEP 2012, the subject area does not have any applicable FSR, so the proposed rezoning does not theoretically reduce the total available potential industrial floor space area.

Furthermore, the subject area has been set for the intended use for community since 2007 Part 3A project approval. Thus the community and environmental benefits outweigh its economic benefits.

2.1 Environment Protection Zones

The objective of this Section is to protect and conserve environmentally sensitive areas.

Council is required to do when preparing a Planning Proposal:

- (a) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.*
- (b) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".*

This Planning Proposal is consistent with this direction as the proposed RE2 Private Recreation zoning as it assists to protect the adjacent habitat area for Green Golden Bell Frog (GGBF). The subject area is adjacent to the frog habitat area.

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 the proposed RE2 zoning is likely to adversely affect the adjacent 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?

NSW 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 environmental issues that will need to be addressed. Community and open space areas can function and be managed with access limitations and restrictions to some specific areas such as the Frog Habitat Areas.

Access to what is referred to as “Mount Enfield” is already provided by NSW Ports even with the low level soil contamination issue.

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

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

The Planning Proposal is not expected to have any adverse social effects but will actually improve the social outcomes for the local community through the increased open space particularly in the medium to long term as Sydney’s density intensifies and community open space land becomes more in demand.

The retention of the recreational space in the subject area will contribute to establishing the regional open space corridor (i.e. Coxs Creek network) and better integration with the local open space.

Community consultation was undertaken to ascertain the community’s views in respect to the draft Strathfield LEP 2011. The recreational zoning limits NSW Ports’ opportunities to use and/or sell this land for alternative purposes rather than protecting the land for the intended Community and Ecological use by applying RE1 zone on the southern portion of the Enfield ILC site.

The impact on the economic effects on Enfield ILC is of minor significance as the subject site only contributes to 7% of the total Enfield ILC site area. And more importantly, the subject area has already been reserved through the original Part 3A Project Approval as ‘Community & Ecological Area’ in 2007.

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 RE2 Private Recreation creates opportunities for community which will assist in the supply of private open space and recreational areas for the local community.

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

Council has been liaising with Sydney Ports/NSW Ports since 2007 regarding the appropriate zoning for this area in accordance with the Part 3A Project Approval.

Sydney Ports / NSW Ports indicated their objection against any proposed rezoning of the Enfield ILC site in response to Council previous Planning Proposal (i.e. to rezone the southern section of the Enfield ILC site from part IN1 and part RE2 to RE1) (refer Appendix 3).

Following the Gateway Determination from the Department advising the Planning Proposal should not proceed, Council wrote to the Minister for Planning and State Member for Strathfield dated 10 March 2014 requesting the Gateway Review be undertaken (refer Appendix 4).

Minister for Planning responded to the above representations and directed the Department to help facilitate the discussions between NSW Ports and Council (refer Appendix 5).

Council, at its meeting on 4 November 2014, also resolved:

"That a report be submitted to the December 2014 Ordinary Council Meeting on the feasibility of preparing a Planning Proposal that attempts to rezone the southern portion of the Enfield Intermodal Logistics Centre as 'RE2 Private Recreation' as a part of 2 stage process to rezone the land eventually to 'RE1 Public Recreation'. This should take into consideration the outcomes of the upcoming meeting between NSW Ports, Department of Planning & Infrastructure and Strathfield Council."

A meeting facilitated by the Department was held on 12 November 2014 between Council, NSW Ports at the Enfield Intermodal Logistics Centre (ILC) site on 12 November 2014 was primarily to discuss the zoning issues relating to the 'Community & Ecological Area' to the southern section of the Enfield ILC site.

Council raised the following key concerns at the meeting:

- The current IN1 zoning to the southern section of the Enfield ILC is not consistent with the original part 3A project approval
- The Department overturned Council's endorsed RE1 zoning by applying IN1 to the 'Community & Ecological Area' in finalising the Strathfield LEP 2012
- IN1 zoning is not an appropriate zoning for an area nominated as 'Community & Ecological Area'.
- The amount of the land currently nominated by NSW Ports as 'Community & Ecological Area' (under their recently released Community & Ecological Area Concept Plan) has reduced dramatically from the Part 3A approval
- 'Community & Ecological Area' is the communities expectation in accordance with the Part 3A approval

NSW Ports responded and reconfirmed their positions in relation to the zoning:

- Objection to Council's proposed RE1 or RE2 zoning
- The 'Community & Ecological Area' is intended to be the buffer area to the operational area
- Existing constraints such as gas compound, gas mains, contaminated materials and frog habitat
- The area has never been committed to the community as a public park or reserve

After a lengthy discussion between NSW Ports, the Department and Council there was no agreement reached at the meeting in regard to the zoning.

Consistent with the 4 November 2014 Council resolution above, Council resolved at its meeting on 2 December 2014, that Council prepare a Planning Proposal to attempt to rezone the southern section of the Enfield ILC from 'IN1 General Industrial' to 'RE2 Private Recreation'.

As part of the preliminary stage of preparing this Planning Proposal in December 2014, Council invited NSW Ports to meet for preliminary consultation as part of the process.

On 12 January 2015, NSW Ports indicated it did not accept Council's offer of further consultation and reconfirmed that its position in relation to the zoning of Enfield ILC remains unchanged (refer Appendix 6).

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 & Environment's guidelines to preparing local environmental plans.

Therefore it is recommended the planning proposal is to be publicly exhibited for a period of 28 days consistent with the Department's requirements.

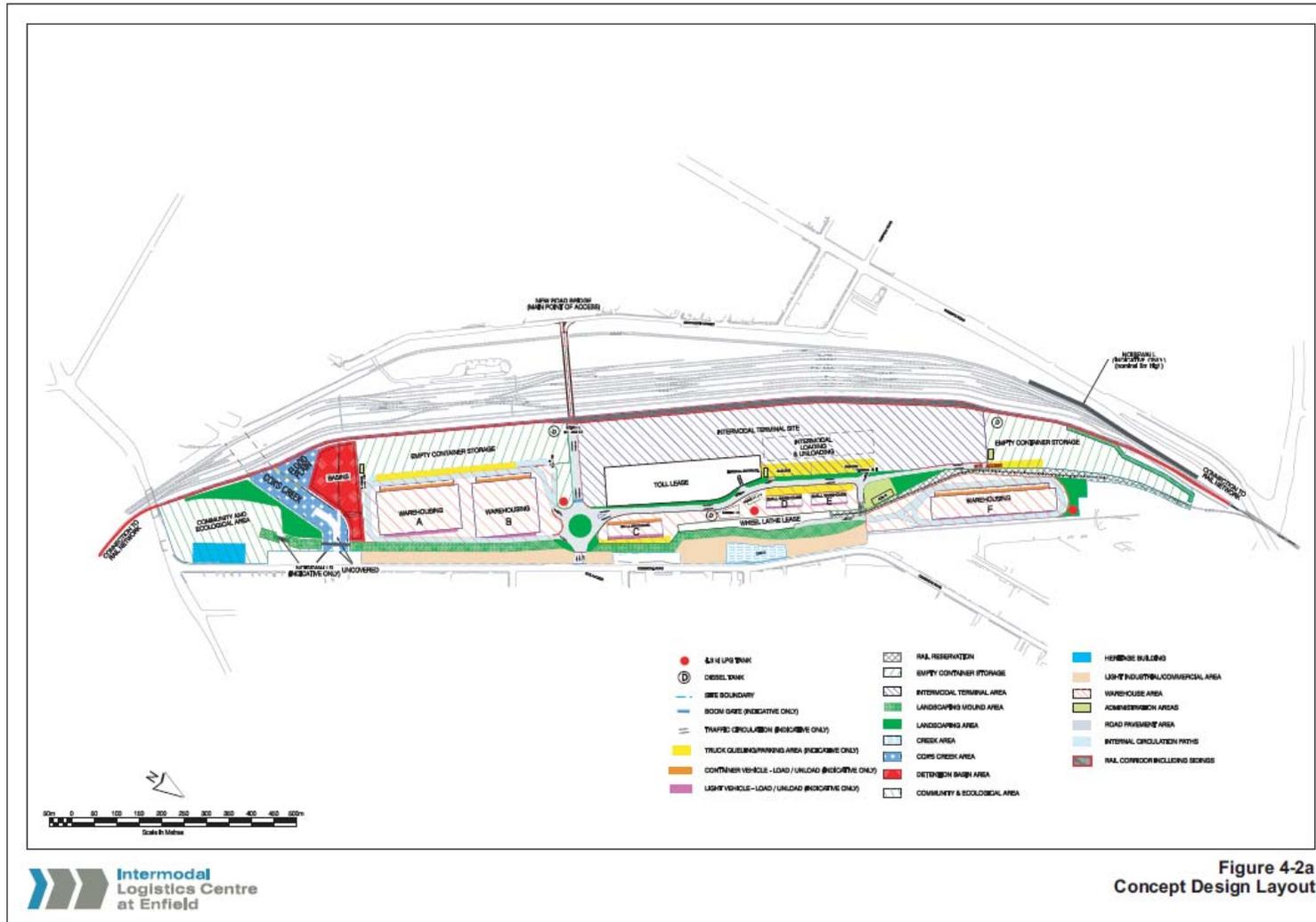
PART 5 – Project Timeline

Council intends to proceed this planning proposal and complete the project by the end of September 2015 in accordance with the proposed Project Timeline as outlined below:

Stage	Completion Date
Lodgement of Planning Proposal to the Department of Planning & Infrastructure	February 2015
Gateway determination issued by the Department	March 2015
Anticipated timeframe for the completion of required technical information	April 2015
Timeframe for government agency consultation	April to May 2015
Commencement and completion dates for public exhibition period	May 2015
Timeframe for consideration of submissions	June 2014
Timeframe for the consideration of a proposal post exhibition	July 2014
Date of submission to the department to finalize the LEP	August 2014
Anticipated date RPA will forward to the department for notification	September 2014

APPENDIX 1

CONCEPT LAYOUT IN 2007 PROJECT APPROVAL DOCUMENTATION



APPENDIX 1

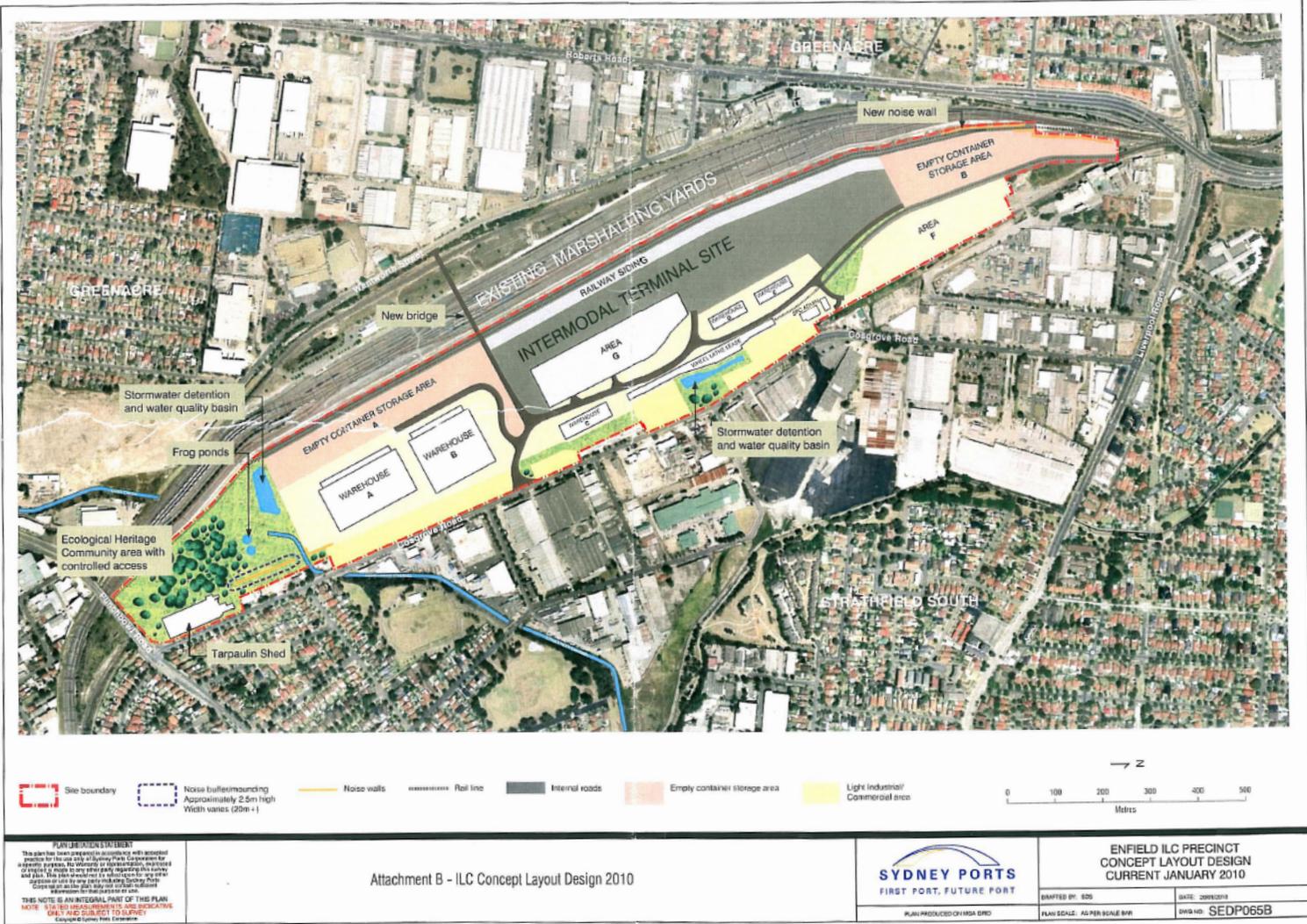
LANDSCAPE MASTERPLAN IN 2007 PROJECT APPROVAL DOCUMENTATION



Figure 16-1
Landscape Masterplan

APPENDIX 2

2010 VERSION OF THE CONCEPT PLAN



APPENDIX 3
LETTER FROM NSW PORTS DATED 21 NOVEMBER 2013

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.

APPENDIX 4
COUNCIL LETTER TO THE MINISTER FOR PLANNING AND STATE
MEMBER FOR STRATHFIELD

10 March 2014

David Hazeldine

The Hon. Brad Hazzard MP
Minister for Planning & Infrastructure
Level 33, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr Hazzard,

RE: RESOLUTION OF STRATHFIELD COUNCIL REGARDING ENFIELD INTERMODAL LOGISTICS CENTRE ZONING

At the Ordinary Meeting of Strathfield Council held on 4 March 2014, Council resolved (38/47) as follows:

"That Council make representations to the Minister of Planning & Infrastructure and the Local Member for Strathfield requesting that they review the Gateway Determination of Council's Planning Proposal that seeks to revert the zoning of the southern section of the Enfield Intermodal Logistics Centre site from General Industrial IN1 zoning to Public Recreation RE1."

The 2007 Part 3A Ministers approval for the Enfield Intermodal Logistics Centre (ILC) included the Southern section of the site as a 'Community and Ecological Area'. This was also illustrated in various Enfield ILC Concept Plans from the applicant's original Environmental Assessment to the Concept Plans prepared by Sydney Ports since the Enfield ILC was approved.

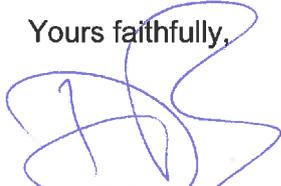
Council has attempted to zone the southern section of the site as RE1 'Public Recreation' to reflect the intention and functions of the 'Community and Ecological Area' through the Strathfield LEP 2012 process and a Planning Proposal that was submitted to Planning & Infrastructure in October 2013. In both instances Planning & Infrastructure have overturned or not accepted Council's proposals.

The local community has long been concerned about the negative impacts of the Enfield ILC. Since the Ministers approval in 2007 there has been some consolation to the residents in the expectation that the southern section of the site was dedicated to become a 'Community and Ecological Area' that could service the needs of the local community.

Council therefore requests that the Minister for Planning & Infrastructure reviews the Gateway Determination of Council's Planning Proposal that seeks to revert the zoning of the southern section of the Enfield ILC site from General Industrial IN1 to Public Recreation RE1.

Should you have any questions regarding this letter please don't hesitate to contact the General Manager's Office on 9748 9924.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'D. Backhouse', written over the text 'Yours faithfully,'.

DAVID BACKHOUSE
GENERAL MANAGER

10 March 2014

David Hazeldine

Mr Charles Casuscelli RFD MP
Member for Strathfield
Shop 1, 54 Burwood Road
BURWOOD NSW 2134

Dear Mr Casuscelli,

RE: RESOLUTION OF STRATHFIELD COUNCIL REGARDING ENFIELD INTERMODAL LOGISTICS CENTRE ZONING

At the Ordinary Meeting of Strathfield Council held on 4 March 2014, Council resolved (38/47) as follows:

"That Council make representations to the Minister of Planning & Infrastructure and the Local Member for Strathfield requesting that they review the Gateway Determination of Council's Planning Proposal that seeks to revert the zoning of the southern section of the Enfield Intermodal Logistics Centre site from General Industrial IN1 zoning to Public Recreation RE1."

The 2007 Part 3A Ministers approval for the Enfield Intermodal Logistics Centre (ILC) included the Southern section of the site as a 'Community and Ecological Area'. This was also illustrated in various Enfield ILC Concept Plans from the applicant's original Environmental Assessment to the Concept Plans prepared by Sydney Ports since the Enfield ILC was approved.

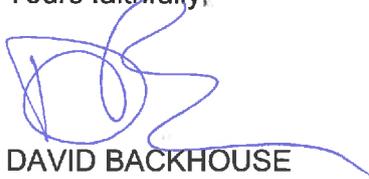
Council has attempted to zone the southern section of the site as RE1 'Public Recreation' to reflect the intention and functions of the 'Community and Ecological Area' through the Strathfield LEP 2012 process and a Planning Proposal that was submitted to Planning & Infrastructure in October 2013. In both instances Planning & Infrastructure have overturned or not accepted Council's proposals.

The local community has long been concerned about the negative impacts of the Enfield ILC. Since the Ministers approval in 2007 there has been some consolation to the residents in the expectation that the southern section of the site was dedicated to become a 'Community and Ecological Area' that could service the needs of the local community.

Council therefore requests that the Minister for Planning & Infrastructure reviews the Gateway Determination of Council's Planning Proposal that seeks to revert the zoning of the southern section of the Enfield ILC site from General Industrial IN1 to Public Recreation RE1.

Should you have any questions regarding this letter please don't hesitate to contact the General Manager's Office on 9748 9924.

Yours faithfully,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

DAVID BACKHOUSE
GENERAL MANAGER

APPENDIX 5
LETTER FROM THE MINSTER FOR PLANNING



The Hon Pru Goward MP
Minister for Planning
Minister for Women

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

14/05273

Dear Mr Backhouse

Thank you for your recent representations addressed to the former Minister for Planning and Infrastructure, regarding a Gateway determination review in respect of the planning proposal to rezone the southern portion 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.

On 19 December 2013, the Deputy Director General of the now Department of Planning and Environment determined the planning proposal should not proceed. I note from his determination, the subject land has some ecological value, as well as unresolved contamination issues. I also note NSW Ports does not support the rezoning, as the proposal has the capability to constrain the operations and growth potential of the site. It is my understanding the reasons for not proceeding with the planning proposal, as outlined in the Gateway determination, remain valid.

As far as a Gateway determination review is concerned, Council has 40 days from being notified of a Gateway determination to seek a formal review. Your request does not satisfy the eligibility requirements for review, as this period has lapsed.

Notwithstanding, Council is encouraged to undertake further discussions with NSW Ports and relevant stakeholders in relation to the most appropriate zoning for the site. I have asked my Department to help facilitate these discussions, should you wish to pursue the matter further. Please note that investigations in regard to the status of site contamination and proposed remediation actions should be addressed before considering any zoning change.

Should you have any further enquiries about this matter, I have arranged for Mr Lee Mulvey, Director of Metropolitan Delivery (CBD) of the Department to assist you. Mr Mulvey can be contacted on telephone number 02 8575 4140.

Yours sincerely

Pru Goward MP
Minister of Planning
Minister of Women

APPENDIX 6
LETTER FROM NSW PORTS DATED 12 JANUARY 2015

NSW Ports

Level 2, Brotherson House
Gate B103, Penrhyn Road
Port Botany NSW 2036
Australia

Ph 1300 922 524
Fax +612 9296 4119

PO Box 297
Botany NSW 1455
www.nswports.com.au

12 January 2015

Mr David Hazeldine
Director Technical Services
Strathfield Municipal Council
PO Box 120
Strathfield NSW 2135

Strathfield Municipal Council
14 JAN 2015
Received by Records

STRATHFIELD MUNICIPAL COUNCIL REGISTERED BY RECORDS	
14 JAN 2015	
DOCUMENT NUMBER:	
RESPONSIBLE OFFICER:	Frankie P053x005

Attention: Mr Frankie Liang

ILC – OG781

Dear Mr Hazeldine,

Re: Potential Planning Proposal to rezone the southern section of the Intermodal Logistics Centre at Enfield from IN1 General Industrial to RE2 Private Recreation

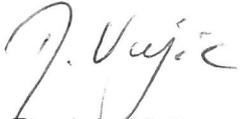
I refer to your correspondence dated 23 December 2014 regarding Strathfield Council's (Council's) proposal to progress with rezoning the southern precinct of the Enfield Intermodal Logistics Centre (ILC) site and your request to meet with NSW Ports regarding this matter.

As you would be aware, NSW Ports met with Council and the Department of Planning & Environment on 12 November 2014 to discuss Council's previous Planning Proposal to rezone the southern precinct from IN1 General Industrial to a RE1 Public Recreation land use zone. This discussion included a request from Council for NSW Ports to consider supporting a Planning Proposal to rezone the southern precinct to a RE2 Private Recreation zone, noting that part of the southern precinct is already zoned RE2 Private Recreation. At this meeting NSW Ports reiterated its position in relation to the zoning of the Enfield ILC that is, our position remains unchanged, for all the reasons that have been previously articulated to Council.

Whilst we do not intend to support any proposals to amend the current zoning, NSW Ports has been progressing with plans to provide community access to the southern precinct, in accordance with the Landscape and Ecological Area Management Plan and the development approval. As you would be aware these plans include viewing areas and pathways onto Mount Enfield to provide a safe viewing opportunity for the community, separated from site operations.

For the reasons outlined above, NSW Ports does not propose to have further discussions with Council in relation to rezoning the southern precinct of the ILC site. NSW Ports would however welcome discussions with Council regarding the ongoing development and operation of the ILC at Enfield.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Vujic', written in a cursive style.

Daniela Vujic
Planning Manager

ATTACHMENT 2

LEP PLAN MAKING PROCESS

