



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

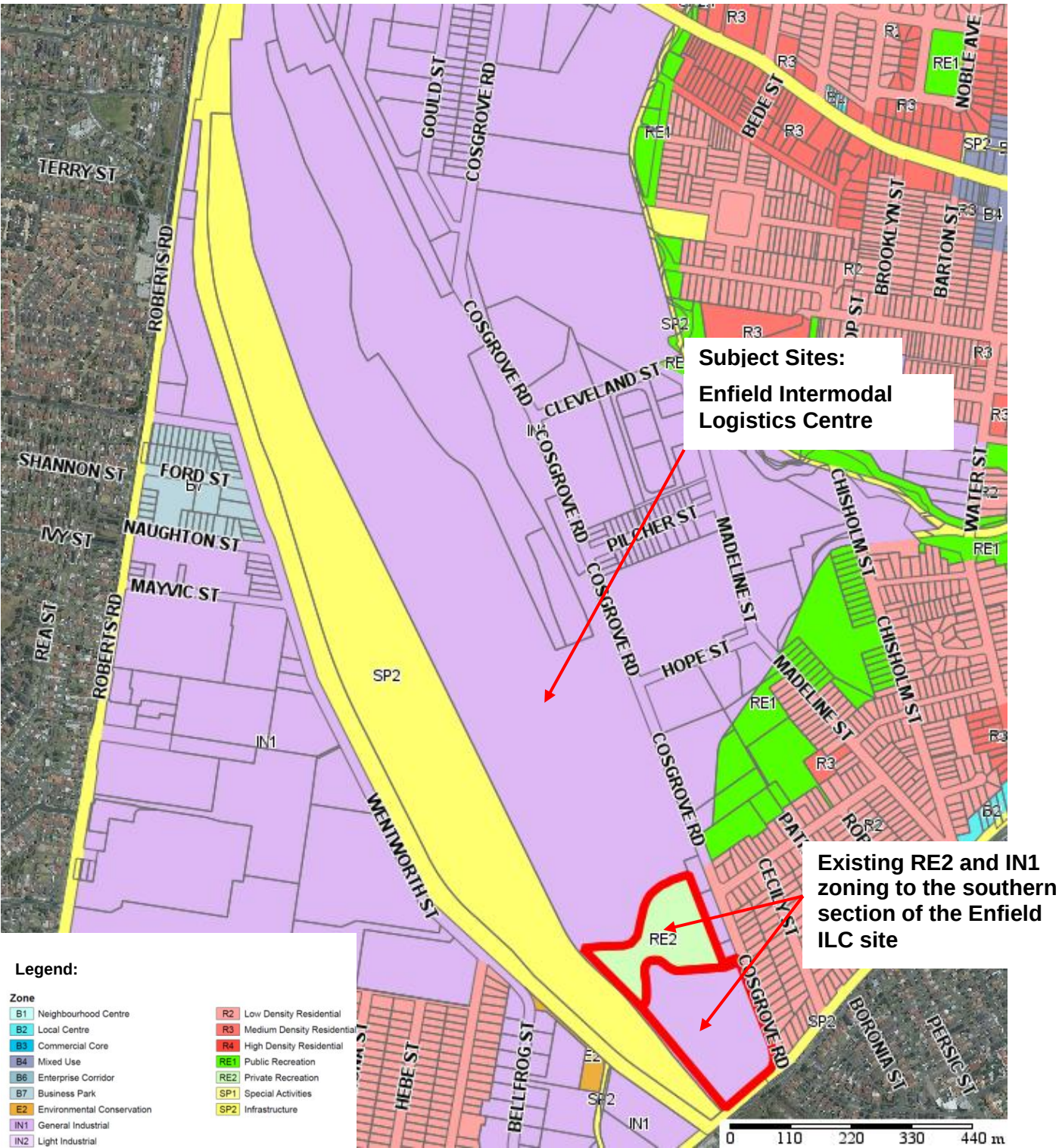
This is to support the implementation of the 'Community Ecological Area' by zoning and reserving the subject area as community recreational space for the benefit of the local community and is also consistent with the adjacent RE2 Private Recreation zoned area directly to the north which aims to protect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

MAP 1: THE LAND SUBJECT TO THE PLANNING PROPOSAL

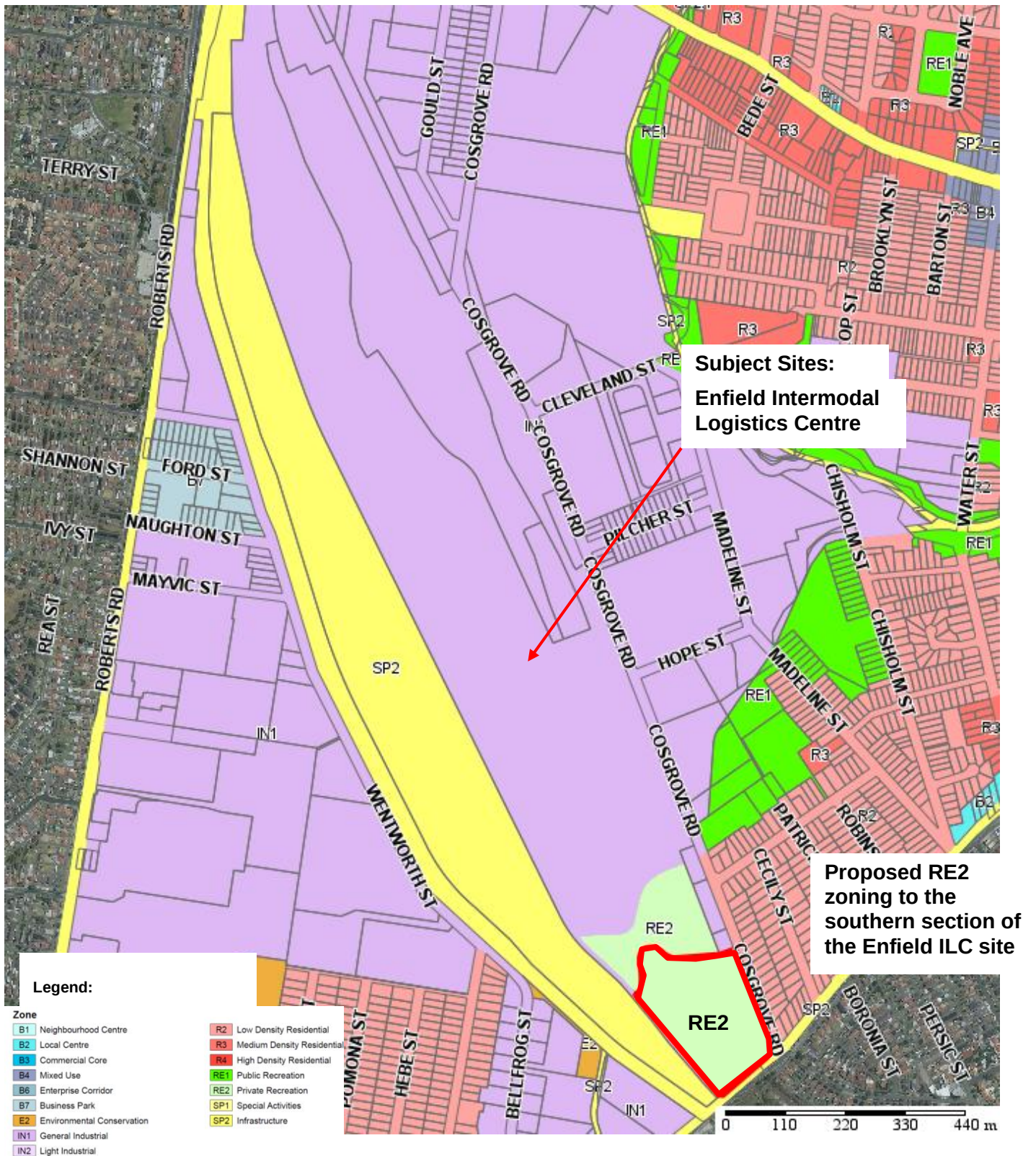


Planning Proposal, Enfield Intermodal Logistics Centre Site, Community & Ecological Area, Strathfield South
Strathfield Council, January 2015

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:

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. Coss 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