

*Report by David Hazeldine, Acting Director Technical Services*

## **RECOMMENDATION**

***That Council note the update in regard to the Enfield Intermodal Logistics Centre site zoning and support the actions taken by Council as outlined in the report.***

## **PURPOSE OF REPORT**

Council, at its meeting on 7 May 2013, resolved (Minute No. 80/13):

- “1. That Council write to Minister for Roads and Ports Duncan Gay expressing disappointment at the recent LEP gazetted zoning of the southern portion of the Enfield Intermodal Logistics site as IN1 Industrial and RE2 Private Recreation in place of Council’s proposed zoning of RE1 Public Recreation.*
- 2. That Council seeks a meeting with Minister Gay at the earliest possible opportunity to obtain his support for a Planning Proposal to reverse this decision.”*

This report has been prepared in response to the above resolution and to provide an update on Council’s recent actions regarding this matter.

## **REPORT**

### **Background**

During the exhibition period of the draft Strathfield Local Environmental Plan (draft LEP) in February and March 2012, the proposed zoning for the southern portion of the Enfield Intermodal Logistics Centre (ILC) site was nominated by Council as ‘RE1 Public Recreation’ zoning.

‘RE1 Public Recreation’ was considered the most appropriate zoning for this section of the Enfield ILC site given it was prescribed as a ‘Community & Ecological Area’ in the Concept Layout Plan of the Environmental Assessment which forms part of the Enfield ILC 5 September 2007 Ministers Project Approval. Later Concept Layout plans prepared by Sydney Ports also indicate this portion of the site as ‘Ecological and Community Area’ (refer attachment 1).

Council selected and exhibited RE1 zoning for the ‘Ecological and Community Area’ to enable land uses and activities consistent with this proposed area. The RE1 zoning would also protect the land from other conflicting land uses such as industrial and commercial uses and would protect the land from being sold for such uses.

Prior to the making of the Strathfield LEP 2012, in November 2012 Council received correspondence (in confidence) from the Department of Planning & Infrastructure (Department) outlining changes that it intended to make to the draft LEP in the final stages of the making of the LEP.

The Department's intentions included changing the zoning of the southern section of the Enfield ILC site to 'IN1 General Industrial' zoning, and the frog habitat precinct of this area to 'RE2 Private Recreation' zoning. This conflicted with the 'RE1 Public Recreation' zoning in the publicly exhibited version of the draft LEP which was also in the draft LEP as submitted by Council to the Department at section 68 stage in August 2012 (refer attachment 2).

Council considered this and other changes to the draft LEP proposed by the Department in a Closed Session at the Extraordinary Meeting on 18 December 2012, and resolved that the RE1 zone to the southern portion of the Enfield ILC site be retained rather than accept the Department's foreshadowed change.

As a result, Council wrote to the Department in December 2012 concerning a number of the foreshadowed changes to the draft LEP, including expressing very significant concern with the proposal for the southern section of the Enfield ILC site to be zoned IN1.

On 29 March 2013, the Strathfield LEP was made by the Department and came into force. The gazetted LEP 2012 includes zoning the southern section of the Enfield ILC site to 'IN1 General Industrial' and the frog habitat precinct area zoned as 'RE2 Private Recreation' (refer attachment 3).

#### Council's Recent Actions

On 2 May 2013, Council met with the Minister for Planning and Infrastructure, The Hon. Brad Hazzard MP. At this meeting Council reiterated its disappointment that the southern portion of the Enfield ILC site has been zoned IN1 Industrial and RE2 Private Recreation in the Strathfield LEP 2012, despite Council's consistent position that the land should be zoned as 'RE1 Public Recreation'.

Mr Hazzard recommended that Council make representation to The Hon. Duncan Gay MLC, Minister for Roads and Ports, as his portfolio is responsible for the Sydney Ports Corporation and the subject site.

In response to the 7 May 2013 Council resolution, Council wrote to Mr Gay on 17 May 2013 outlining Council's concerns with the current zoning and seeking a meeting to communicate the importance of zoning this land as RE1 Public Recreation.

As reflected in the 7 May 2013 resolution, Council still believes that this area should be zoned 'RE1 Public Recreation' in accordance with the publicly exhibited version of the draft LEP. This proposal is particularly important due to the Enfield ILC site's proximity to surrounding residential areas, as it would provide some relief for residents who will be impacted by the 24 hour truck movements generated by the Enfield ILC approval. In addition, this zoning maintains consistency with the 2007 Minister's Project Approval of the Enfield ILC which identified the southern area of the site as a 'Community and Ecological Area'.

Council is currently awaiting a reply to its letter of 17 May 2013 from Mr Gay. Further updates on this matter will continue to be provided to Council.

**REFERRAL FROM OTHER DEPARTMENT**

No referral was required.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**ATTACHMENTS**

1. Sydney Ports Enfield ILC Concept Layout Plan dated January 2010
2. Section 68 version of Strathfield LEP zoning map showing the Enfield ILC Site
3. Gazetted Strathfield LEP 2012 zoning map showing the Enfield ILC Site

**Report approved by:**

David Hazeldine
<b>A/Director Technical Services</b>