

Draft Amendment to Liverpool LEP 2008 - Moorebank Intermodal Terminal, Moorebank Avenue

Proposal Title : Draft Amendment to Liverpool LEP 2008 - Moorebank Intermodal Terminal, Moorebank Avenue

Proposal Summary : The Planning Proposal (PP) seeks to:

- rezone part of the site from SP2 Infrastructure (Defence) to partly E3 Environmental Management and IN1 General Industrial;
- set floor space ratio, minimum lot size and maximum height controls for part of the site;
- amend Schedule 1 of the Liverpool Local Environmental Plan 2008 to include public utility and rail infrastructure facilities and 'drainage' as additional permissible uses on that part of the site zoned RE1 Public Recreation and W1 Waterways; and
- amend Schedule 1 of the Liverpool Local Environmental Plan 2008 to include drainage as an additional permitted use on part of the site proposed to be zoned E3 Environmental Management.

PP Number : PP_2012_LPOOL_004_00

Dop File No : 12/19207-1

Proposal Details

Date Planning : 30-Dec-2012

LGA covered : Liverpool

Proposal Received :

Region : Sydney Region West

RPA : Director General, Department of

State Electorate : MACQUARIE FIELDS
MENAI

Section of the Act : 55 - Planning Proposal

LEP Type : Precinct

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : part of Lot 10 DP 881265, 474 Hume Highway, Casula

Street :

Suburb :

City :

Postcode :

Land Parcel : Lot 3001 DP 1125930

Street :

Suburb :

City :

Postcode :

Land Parcel : Lot 100 DP 1049508

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DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	1,700

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning the proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **BACKGROUND**

The use of the 220 hectare Defence site at Moorebank (site and location diagrams attached

within the planning proposal, see 'Documents') for a future intermodal freight terminal (IMT) within Sydney was first announced by the Commonwealth Government in 2004. The site is currently owned and occupied by the Department of Defence's School of Military Engineering (SME).

On 11 May 2010, the Commonwealth Government announced \$70.7 million of funding in its 2010-2011 Budget to complete the detailed planning and approval of the Moorebank Intermodal Terminal (MIT) and the relocation of the School of Military Engineering and other defence units to Holsworthy. It also announced an intention that staged redevelopment of the site is expected to commence in 2013, subject to securing necessary approvals.

The Department has received a request from the applicant, i.e. the Commonwealth Department of Defence and Deregulation, to amend the zoning of the subject site to facilitate the development of the intermodal terminal facilities and associated commercial and warehousing development on the SME site. In accordance with section 89E(5) of the Environmental Planning and Assessment Act 1979 (the Act), the Director-General is the relevant planning authority (RPA) under Part 3 of the Act. See 'Background' section of the planning proposal for more details.

CURRENT ZONING

The land subject to the planning proposal is currently zoned SP2 Infrastructure (Defence), IN1 General Industrial, W1 Natural Waterways (i.e. the Georges River to the west) and RE1 Public Recreation.

The School of Military Engineering (SME) and a number of other defence units on the site, which forms parts of the Liverpool Military Area, are located on land owned by the Department of Defence.

Under the Liverpool Local Environmental Plan 2008, the proposed IMT is not considered to be permissible within the SP2 Infrastructure (Defence) Zone, as well as, the proposed rail link on land zoned RE1 Public Recreation and W1 Waterways.

THE SITE

The proposed Moorebank IMT site is located to the west of Moorebank Avenue at Moorebank, approximately 30 kilometres south-west of the Sydney Central Business District and approximately 4 kilometres south of the Liverpool CBD. See attached location map in 'Documents'.

The site is in proximity to key transport corridors including the Main South Line Rail Corridor (including the Southern Sydney Freight Corridor), the M5 and M7 Motorways and the Hume Highway. The site is located within the Liverpool Local Government Area.

The locality surrounding the land comprises the residential suburbs of Casula, Wattle Grove and North Glenfield, as well as, industrial, commercial and other Department of Defence land. The Holsworthy Military Area is located to the south-east and the property leased for the Defence National Storage Distribution Centre (DNSDC) is located adjacent to the SME.

To the north, the locality is generally characterised by industrial and commercial land uses.

To the east, the land uses are predominately industrial and commercial, with extensive Department Of Defence land further to the east.

The Georges River, to the west, contains well established riparian vegetation. On the opposite riverbank is an area of open space containing the Northern and Southern Powerhouse Land, owned by Liverpool City Council and the Commonwealth land.

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The Sydney Intermodal Terminal Alliance (SIMTA) is proposing to construct and operate an intermodal terminal facility adjacent to the site. The proposal is being considered by the Department as a transitional Part 3A transitional Concept Plan.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objectives of the planning proposal are to enable redevelopment of the site (including land zoned for Waterways and public recreation) for the proposed Moorebank Intermodal Terminal (and associated works) and to enhance the amenity of the site by creating a dedicated vegetated open space area to ensure that existing vegetation is retained.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The proposal is for:

- rezoning of land from SP2 Infrastructure (Defence) to partly E3 Environmental Management and IN1 (General Industrial);
- setting a maximum floor space ratio of 1:1 for part of the site;
- setting a maximum building height of 21 metres for buildings and containers for part of the site;
- setting a minimum lot size of 2,000 square metres for part of the site; and
- amendment to Schedule 1 of Liverpool Local Environmental Plan 2008 to allow:
 - development for the purpose of rail infrastructure facilities as defined in the Infrastructure SEPP (specific paragraphs a, b and c) in zones RE1 Public Recreation and W1 Natural Waterways, applying to the southern part of Lot 10 DP 881265 (known as 474 Hume Highway, Casula) and part of the Georges River (i.w. within the W1 Zone), respectively; and
 - development for the purpose of drainage in part of proposed zone E3 Environmental Management.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
2.1 Environment Protection Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : No

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

S117 DIRECTION

1.1 BUSINESS AND INDUSTRIAL ZONES

The proposal involves rezoning of SP2 Infrastructure (Defence) zoned land to partly IN1 General Industrial.

The direction applies as the proposal seeks to affect land within a proposed industrial zone. In particular, item (4)(e) of the direction requires that the proposed new employment area is in accordance with a strategy that is approved by the Director General of the Department of Planning.

The planning proposal indicates that the proposed Moorebank IMT is a key component for the future development of Sydney's intermodal capacity. It will increase the area of industrial zoned land, supplement substantial Government investment in rail, ports and freight facilities and provide certainty to Government for future intermodal facility, consistent with relevant strategic documents, such as: the Metropolitan Plan for Sydney 2036; State Infrastructure Strategy 2012-2032; NSW 2021; Draft NSW Long Term Transport Master Plan; Draft Freight and Ports Strategy and Railing Port Botany's Containers.

Generally, the planning proposal is considered consistent with the objectives of the direction as it encourages employment growth in a suitable location, adjacent to industrial and commercial uses and transport links.

Further, in view of the proposal's consistency with the above mentioned documents, it is considered that any inconsistency with item (4)(e) is of a minor nature.

In these circumstances, it is recommended that the Director General (or delegate) agrees that any inconsistency with the direction is justified as a matter of minor significance.

2.1 ENVIRONMENTAL PROTECTION ZONES

The planning proposal seeks to rezone part of the site from SP2(Defence) to E3 Environmental Management to provide for the protection and conservation of environmentally sensitive areas adjacent to the Georges River and to land on the southern and eastern extremity of the site. The E3 zoning footprint has been identified by environmental studies conducted for the State Significant Development Application lodged with the Department.

Item (5) of the direction specifies that 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.

By rezoning part of the site from SP2 Infrastructure to E3 Environmental Management, the proposal increases the environmental protection measures for the site. It is therefore consistent with the direction.

2.3 HERITAGE CONSERVATION

The planning proposal does not address this section 117 direction.

It is noted, however, that the Director General's requirements for the preparation of an environmental impact statement, issued in February 2012 (refer to copy in 'Documents' - Appendix 2), require the preparation of an assessment of impacts on Aboriginal and historic heritage.

The planning proposal is inconsistent with the direction as it does not contain provisions

that facilitate conservation and does not meet the requirements of the direction.

It is recommended that following the preparation and/or finalisation of the assessment (see above), the planning proposal be amended accordingly, in consultation with the Sydney Region West Planning Team, prior to agency and community consultation.

3.4 INTEGRATING LAND USE AND TRANSPORT

The development of the Moorebank IMT was identified by the NSW State Government as a critical component in easing pressure on Sydney's roads by reducing truck movements on the NSW road network (refer to: "Railing Port Botany's containers: Proposals to ease pressure on Sydney's roads") More details of the strategic importance of the proposal are included in the planning proposal document.

The site is strategically located and in close proximity to major transport, including the Southern Sydney Freight Line, M5 and M7 Motorways and serves as a key component in meeting Sydney's intermodal capacity needs. The planning proposal is accordingly considered to be consistent with the direction.

4.1 ACID SULFATE SOILS

This direction applies as the site is identified as Class 5 within the Liverpool LEP Acid Sulfate Soils Map. The planning proposal states that the EIS accompanying the IMT SSD application will include a remediation action plan. However, the direction requires the preparation of an acid sulfate soils study assessing the appropriateness of the change in land use and that the RPA must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.

It is recommended that the RPA arranges for preparation of the study to satisfy the requirements of the direction prior to consultation.

4.3 FLOOD PRONE LAND

This direction applies as the site is identified as flood prone land. The proposal provides for establishment of an E3 Environmental Management land use zone that would correspond with land identified as within the 100 year average recurrence interval (ARI) flood area. The EIS accompanying the IMT SSD application will include a hydrology assessment of storm water and flooding impacts associated with the project.

It is considered that the assessment for the Director General's approval under the direction will be required when the above mentioned hydrology assessment of stormwater and flooding impacts is submitted, prior to the LEP being publicly exhibited.

4.4 PLANNING FOR BUSHFIRE PROTECTION

The direction applies as the site is identified as being bushfire prone land on Council's relevant map.

It is noted that the proposal indicates that development of an asset protection zone would be established in the detailed design of the project. Further it is proposed that the EIS accompanying the IMT SSD application will include a hazard and risk assessment and would assess the potential impacts from bushfire events at the site.

To satisfy the requirements of the direction, it is recommended that the RPA consults with the Commissioner of NSW Rural Fire Service prior to undertaking community consultation in satisfaction of section 57 of the Act and, if necessary, amends the planning proposal accordingly.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

The planning proposal does not seek to introduce further approval and referral requirements into the local environmental plan.

6.2 RESERVING LAND FOR PUBLIC PURPOSE

The planning proposal will not remove the public owned land zoned RE1 Public Recreation, and known as the Northern Powerhouse Land, located on the Georges River. In this regard, the proposal is not considered inconsistent with the objectives of the direction.

However it is noted that the proposal seeks to permit rail infrastructure facilities on this land. It is understood that the land owned by Liverpool City Council and is classified as community land under the Local Government Act 1993. The RPA should clarify the how the issue of constructing the proposed rail link on or over community land are to be addressed.

6.3 SITE SPECIFIC PROVISIONS

The direction is relevant as the planning proposal seeks to allow a particular development, i.e. additional uses associated with the proposed IMT on land, zoned RE1, to be carried out.

As the proposal seeks to allow this use without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended, it is considered that the proposal is, in this regard, not inconsistent with the direction.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal is considered consistent with the Metropolitan Plan for Sydney 2036, which has identified intermodal terminals as an essential component of an efficient freight and logistics sector.

SEPP GEORGES RIVER REP

Clause 7 of the SEPP provides for general and specific planning principles to be taken into account when a Council prepares an LEP. These include the cumulative impact on the Georges River or its tributaries; whether there are any feasible alternatives for the development or other proposal concerned; Acid Sulfate soils; Flooding; Land degradation; Urban stormwater runoff; Vegetated buffer areas and Bank disturbances.

A number of these principles have been addressed as part of the proposal. Further principles have been addressed through provisions in the Liverpool LEP 2008 and will also be applied and tested against any future development proposals on the site, as a result of the planning proposal.

The Regional Team considers that this process is consistent with the principles of the SEPP.

SEPP NO 55 – CONTAMINATED LAND

The planning proposal includes the rezoning of land that is contaminated. A Phase 1 Environmental Site Assessment (November 2010) indicated that remediation would be required prior to use of the site for commercial and/or industrial purposes.

The planning proposal states that the EIS for the IMT project would include an assessment of potential land contamination on site and an evaluation of remediation options, taking into account SEPP 55. A remedial action plan will also be prepared and submitted for assessment.

The proposal will achieve consistency with SEPP 55 as it would facilitate for the remediation of contaminated land to ensure its suitability for the proposed development.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Maps on the PP cover and Figures 3, 4 and 5 show a different boundary for the site covered by the PP to the boundaries shown on the detailed maps. They exclude and area of land adjoining Moorebank Avenue and the M5 Motorway at the north eastern corner of the site, which was later added to the site by the proponent. These maps should be amended prior to exhibition. Figure 2 should also be amended to show the site boundary.

The planning proposal proposes to amend Schedule 1 of the Liverpool LEP 2008 to permit additional uses on certain sites within the subject land. As these cover only part of lots, a map is required to accurately identify the land to which these additional uses are to apply. This map is to be provided prior to exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : The applicant is committed to continuing the process of consultation with a range of stakeholders following the Gateway determination. The PP would be subject to further community consultation conducted in accordance with a Community Liaison Plan/Construction Communications Plan, involving members of the community and key stakeholders, such that:

- stakeholders have a high level of awareness of the processes and activities associated with the project;
- information is made readily available;
- timely response is given to issues and concerns raised;
- a dedicated 1300 hotline and email address would be provided to allow public enquiries about the PP and the Moorebank IMT project.

The Department recommends that community consultation for the PP occurs concurrently with the public exhibition for the Moorebank SSD application, and in accordance with the consultation requirements set out in 'A Guide to Preparing Local Environmental Plans.' The statutory exhibition period for the SSD application is 30 days, but it is recommended that the proposal be exhibited for 60 days in recognition of the complexities of the project and the possible level of community concern. The Applicant has agreed to this timeframe.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Liverpool LEP 2008 is a Standard Instrument LEP made in 2008.

Assessment Criteria

Need for planning proposal :

State Environmental Planning Policy 2007 (Infrastructure SEPP) permits the development of an intermodal terminal in prescribed zones. These include SP2 Infrastructure. Thus the intermodal terminal could be developed without the need for the proposal. However the proposal will ensure that related uses, such as warehouses and storage, are also permitted on the site.

The planning proposal is also required to rezone the western and eastern parts of the site to E3 Environmental Management.

The planning proposal is also required to ensure that the rail link on land zoned RE1 and W1, and drainage works on land zoned E3, are permitted.

Consistency with strategic planning framework :

The proposal is generally consistent with the following:

- Metropolitan Plan for Sydney 2036
- NSW 2021
- State Infrastructure Strategy 2012-2032
- Draft Freight and Ports Strategy

Further details are provided in the planning proposal (see pages 12-15)

Environmental social economic impacts :

ENVIRONMENTAL

The intermodal terminal has been declared a controlled action under the Environment Protection and Biodiversity Conservation Act 1999 due to potential significant impacts on Commonwealth land and listed threatened species and communities. A comprehensive biodiversity assessment is to be undertaken as part of the Environmental Impact Statement (EIS).

Other potential impacts to be addressed in the EIS will include:

traffic, transport and access
noise and vibration
biodiversity
hazards and risks
soils and contamination
hydrology
air quality
heritage
visual and urban design
property and infrastructure.

As the EIS is to be assessed in conjunction with the planning proposal, the Department is satisfied that these matters will be adequately addressed in the EIS.

ECONOMIC AND SOCIAL

Economic and social impacts are also to be addressed in the EIS.

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Assessment Process

Proposal type : Precinct Community Consultation
Period :

Timeframe to make 12 Month Delegation : Minister
LEP :

Public Authority Essential Energy
Consultation - 56(2)(d) Sydney Metropolitan Catchment Management Authority
: Office of Environment and Heritage
 NSW Department of Primary Industries - Fishing and Aquaculture
 Integral Energy
 Transport for NSW
 Fire and Rescue NSW
 NSW Rural Fire Service
 Transport for NSW
 Transport for NSW - RailCorp
 Transport for NSW - Roads and Maritime Services
 Sydney Ports Corporation
 Sydney Water
 Transgrid
 Adjoining LGAs
 Other

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons : The planning proposal proposes to amend Schedule 1 of Liverpool LEP 2008 to permit additional uses in part of the site. Legal opinion is that recent changes to the Standard Instrument, which limit the types of development which may be permitted in Schedule 1, mean that alternative means of achieving the desired outcomes are likely to be required. However this is a legal drafting matter which will not prevent the matter proceeding.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Bushfire

Flooding

Air Quality

Economic

Social

Other - provide details below

If Other, provide reasons :

Noise Study - given the proximity to residential areas.

Identify any internal consultations, if required :

Part 3A

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Appendix 2_-_Director_General's_Requirements.pdf	Proposal	Yes
Appendix 1 -_Preliminary_Project_Environmental_Overview.pdf	Proposal	Yes
Appendix 4 -_MITP_Detailed_Business_Case_Summary.pdf	Proposal	Yes
Cover_Letter.pdf	Proposal Covering Letter	Yes
Appendix 3_-Liverpool_Council_submission.pdf	Proposal	Yes
Liverpool_LEP_2008_land_zoning_map.pdf	Map	Yes
Extract_from_Land_Use_Table_-_Liverpool_LEP_2008.pdf	Proposal	Yes
Appendix 1_Applicants_preliminary_planning_proposal.pdf	Proposal	Yes
Planning_Proposal_Report.doc	Proposal	Yes
Zoning_FSR_Height_and_Lot_Size_Maps.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the planning proposal proceed subject to the following conditions:

1. Community consultation is required under section 56(2) and 57 of the EP&A Act for a period of 60 days.
2. The planning proposal be exhibited in conjunction with the Environmental Impact Statement (EIS) for the intermodal terminal(and associated works).
3. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.
4. The Director General approves the Inconsistency with section 117 Direction 1.1 Business and Industrial Zones.

The following conditions are to be met, prior to consultation:

5. The planning proposal is to include and address section 117 direction 2.3 Heritage Conservation.
6. To satisfy the requirements of section 117 direction 4.1 Acid Sulfate Soils, the RPA is to provide a copy of an acid sulfate soils study to the Director General.
6. An assessment flooding impacts is to be submitted for the approval of the Director General (or delegate) to satisfy the requirements of section 117 direction 4.3 Flood Prone Land.

7. The RPA consults with the Commissioner of the NSW Rural Fire Service in terms of direction 4.4 Planning for Bushfire Protection.

8. The planning proposal be amended to correctly and clearly show the boundary of the land subject to the proposal on the cover and within figures 2, 3, 4 and 5 (within the proposal) and to be consistent with detailed planning control maps, attached to the planning proposal.

9. A figure is to be included in the planning proposal that shows the potential rail link.

10. A figure (or amendment of an existing figure) is to be included in the planning proposal that, where appropriate, shows and labels sites that are mentioned in the planning proposal, such as the 'Northern Powerhouse Land', etc.

11. A map is required to show the boundaries of the areas proposed to be subject to the proposed amendments to Schedule 1 (Additional Uses) of the Liverpool Environmental Plan.

12. The planning proposal be amended to clarify the explanation of the provisions of the proposed LEP, in particular the provisions related to permitting 'a public utility undertaking' and 'development for the purpose [of paragraphs a, b and c] of rail infrastructure facilities as defined in State Environmental Planning Policy (Infrastructure) 2007'.

13. Relevant studies, proposed as part of the EIS process, are to be prepared in such a manner that these will adequately support the planning proposal.

14. In addition to consultation with those agencies agencies recommended in this report, it is also recommended that consultation occur with the (1) Department of Primary Industries - Catchments and Lands and (2) Australian Rail Track Corporation.

The RPA be requested to consider the following:

(a) Following completion of relevant studies, compliance with section 34A(2) of the EP&A Act.

(b) The need to consider reclassification of public owned land, zoned RE1 Public Recreation (i.e. the Northern Powerhouse Land), from 'community to 'operational to permit proposed rail works on that land and, if necessary, amendment of the planning proposal accordingly.

Supporting Reasons :

The planning proposal seeks to permit the proposed Moorebank IMT, which is considered to be a key component for the future development of Sydney's intermodal capacity.

The proposal will increase the area of industrial zoned land, supplement substantial Government investment in rail, ports and freight facilities and provide certainty to Government for future intermodal facility.

The proposal is supported by the regional planning team.

Signature:



Printed Name:

T DORAN

Date:

22/1/13