

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**

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.

Panel Recommendation

Recommendation Date : **24-Jan-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, the planning proposal maps are to be amended to clearly and consistently outline the subject site. Currently, the boundary of the site is not identified consistently across all planning proposal maps and Figure 2 is to be amended to identify the subject site. The planning proposal is to include a map which clearly identifies the land subject to additional uses and a figure which identifies key sites referred to in the

proposal, including the Northern Powerhouse land and potential rail link.

2. Prior to undertaking public exhibition, the 'explanation of provisions' within the planning proposal is to be amended to remove reference to amending Schedule 1 of the LEP to include additional permitted uses. The Relevant Planning Authority (RPA) is to instead include a plain English explanation of the intention of the proposed amendment.

3. The RPA is to consider the need to reclassify public owned land, zoned RE1 Public Recreation, from 'community' to 'operational'. The planning proposal is to clarify matters concerning the construction of a rail link over community land.

4. It is noted that an Environmental Impact Statement (EIS) will be prepared for the site and will address matters regarding:

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

The EIS and any other works undertaken to support this proposal should be placed on public exhibition with the planning proposal.

5. Following the preparation of an EIS, the RPA is to amend the planning proposal to demonstrate the proposal's consistency or justify any inconsistency with S117 Direction 2.3 Heritage Conservation. This is to be completed prior to undertaking public exhibition.

6. To satisfy the requirements of S117 Direction 4.1 Acid Sulfate Soils, the RPA is to amend the planning proposal to provide further information on matters concerning acid sulphate soils. This is to be completed prior to undertaking public exhibition.

7. It is understood that the EIS will include a hydrology assessment of storm water and flooding impacts of the proposal. This work is to be undertaken to satisfy the requirements of S117 Direction 4.3 Flood Prone Land and amend the planning proposal, if necessary, to take into consideration the outcomes of this work.

8. The RPA is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

9. The RPA is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, the RPA is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

10. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the RPA must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs

(Department of Planning and Infrastructure 2012).

11. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

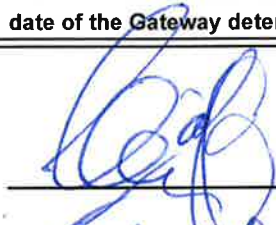
- Sydney Metropolitan Catchment and Management Authority
- Office of Environment and Heritage
- Department of Primary Industries – Fishing and Aquaculture
- Department of Primary Industries - Catchments and Lands
- Australian Rail Track Corporation
- Transport for NSW
- Railcorp
- Roads and Maritime Services
- Sydney Ports Corporation
- Integral Energy
- Essential Energy
- Transgrid
- Sydney Water
- Fire and Rescue NSW
- NSW Rural Fire Services
- Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

12. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge the RPA from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

13. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGavin

Date:

4.2.13