



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

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Our ref: PP_2012_LPOOL_004_00 (12/19207)
Your ref: SSD - 5066

Ms Felicity Greenway
Director Infrastructure Projects
Major Projects Assessment
Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Dear Ms Greenway,

Planning proposal to amend Liverpool Local Environmental Plan 2008

I am writing in response to the letter dated 7 December 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone the Moorebank Intermodal site located at Moorebank Avenue, Moorebank to E3 Environmental Management and IN1 General Industrial, allocate a maximum floor space ratio of 1:1, minimum lot size of 2,000sqm and maximum building height to 21m and permit additional uses, public utility undertakings, rail infrastructure facilities and drainage on the site.

I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

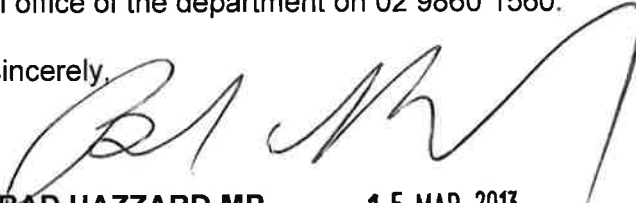
It has been agreed that the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones, is of minor significance. No further approval is required in relation to this Direction.

I understand that Liverpool Council has raised an objection to the development of an intermodal facility at Moorebank and the proposal to rezone the land for environmental and industrial purposes, until it has reviewed the Environmental Impact Statement (EIS) prepared for the site. The department is to work closely with Liverpool Council in regards to this proposal and is to provide Council with a copy of the EIS and any other supporting studies that have been undertaken for the proposal, as soon as practical.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. The relevant planning authority should aim to commence the exhibition of the planning proposal as soon as possible. The request to parliamentary Counsel's Office to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

Should you have any queries in regard to this matter, please contact Cho Cho Myint of the regional office of the department on 02 9860 1560.

Yours sincerely,


HON BRAD HAZZARD MP
Minister

15 MAR 2013

Gateway Determination

Planning proposal (Department Ref: PP_2012_LPOOL_004_00): to facilitate the development of the Moorebank Intermodal Terminal.

I, the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Liverpool Local Environmental Plan (LEP) 2008 to rezone the Moorebank Intermodal site located at Moorebank Avenue, Moorebank to E3 Environmental Management and IN1 General Industrial, allocate a maximum floor space ratio of 1:1, minimum lot size of 2,000sqm and maximum building height to 21m and permit additional uses, public utility undertakings, rail infrastructure facilities and drainage on the site should proceed subject to the following conditions:

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.

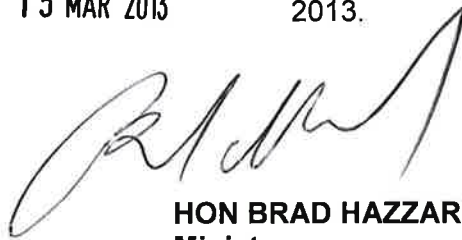
12. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge the RPA from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
13.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

Dated

day of

15 MAR 2013

2013.



HON BRAD HAZZARD MP
Minister