

Amendment 37 to Liverpool LEP 2008 - To add the Defence National Storage and Distribution Centre to Heritage Schedule

Proposal Title : **Amendment 37 to Liverpool LEP 2008 - To add the Defence National Storage and Distribution Centre to Heritage Schedule**

Proposal Summary : **The planning proposal is to protect the heritage significance of the Defence National Storage and Distribution Centre (DNSDC) site located at Moorebank Avenue, Moorebank by listing the site in Schedule 5 Environmental Heritage of the Liverpool LEP 2008.**

PP Number : **PP_2014_LPOOL_001_00** Dop File No : **14/01073-1**

Proposal Details

Date Planning Proposal Received : **06-Jan-2014** LGA covered : **Liverpool**

Region : **Sydney Region West** RPA : **Liverpool City Council**

State Electorate : **MACQUARIE FIELDS MENAI** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Lot 1 DP1048263, Moorebank Avenue, Moorebank**

DoP Planning Officer Contact Details

Contact Name : **Cho Cho Myint**

Contact Number : **0298601167**

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RPA Contact Details

Contact Name : **Megan Munari**

Contact Number : **0298219285**

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DoP Project Manager Contact Details

Contact Name : **Rachel Cumming**

Contact Number : **0298601174**

Contact Email : **rachel.cumming@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South West subregion** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		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 :	0

The NSW Government Yes
Lobbyists Code of Conduct has been complied with :

If No, comment :

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

If Yes, comment : In relation to the Lobbyist Code of Conduct there are no records on the Department's Lobbyist Contact Register regarding this matter.

Supporting notes

Internal Supporting Notes : THE SITE

The the Defence National Storage and Distribution Centre (DNSDC) site is proposed to be developed as an intermodal freight terminal by Sydney Intermodal Terminal Alliance (SIMTA). The site is owned by Moorebank Industrial Property Trust, and is currently leased to the Department of Defence. The site is zoned IN1 General Industrial under the Liverpool LEP 2008. It is surrounded by the proposed Moorebank Intermodal Terminal (IMT) site to the West and Defence land zoned SP2 Defence and E3 Environmental Management to the South and Eastern side. The surrounding land - School of Military Engineering (SME) is listed as an item of Heritage significance in Schedule 5 Environmental Heritage of the Liverpool LEP 2008.

The DNSDC is listed on the Commonwealth Heritage Register, however, once the Department of Defence lease ends, the site will no longer be a "Commonwealth area" and would need to be removed from the Commonwealth Heritage List in accordance with Section 341L Environmental Protection and Biodiversity Conservation Act (EPBC) 1999. The site will have no heritage listing and no heritage protection will be afforded when the lease ends.

Council has advised that both the Heritage Assessment prepared by Graham Brooks in 2001 and the Non-Indigenous Heritage Impact Assessment prepared by Artefact dated December 2012 recognise the high heritage significance of the DNSDC site. These reports are attached at "Documents" section. Council is, therefore seeking to list the site in Schedule 5 Environmental Heritage of the Liverpool Local Environmental Plan 2008.

External Supporting Notes : he intended outcome is to protect the heritage significance of the Defence National Storage and Distribution Centre (DNSDC) site.

Council has submitted a nomination request to the Office of Environment and Heritage (OEH) to consider state listing. Council believes the site has both state and local significance and should be listed on both registers.

The Heritage Division of the OEH has advised that it has received Council's nomination for the site, however, is not able to give advice of the timing when it will be considered for nomination.

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Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to protect the heritage significance of the DNSDC site by adding the site in Schedule 5 Environmental Heritage.

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

Is an explanation of provisions provided? **Yes**

Comment :

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

* May need the Director General's agreement

5.1 Implementation of Regional Strategies

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **1.1 BUSINESS AND INDUSTRIAL ZONES**

The site is zoned General Industrial (IN1) Zone under Liverpool LEP 2008. The planning proposal affects industrial zoned land but does not prohibit industrial development on the site or reduce the area zoned for industrial use.

The planning proposal is not inconsistent with this direction.

2.3 HERITAGE CONSERVATION

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The planning proposal is consistent with this direction as it proposes to protect and conserve the site as an item of local environmental heritage under the Liverpool LEP 2008.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES

The Planning Proposal is not inconsistent with the relevant Regional Strategies.

7.0 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal is consistent with the objectives of the Metropolitan Plan for Sydney 2031.

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Mapping required for the planning proposal is sufficient for the Gateway purpose.
Council has advised that amendment to the Heritage map HER-013 will be prepared.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : Council has not proposed specific consultation process but has advised that community consultation is to occur following the issue of a Gateway determination.

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.

Assessment Criteria

Need for planning proposal : THE SITE (refer to reports attached)

The Defence National Storage and Distribution Centre (DNSDC) site contains eighteen timber buildings dating to World War Two. Fifteen of these are of timber post and beam construction, with nine internal bays. Two other buildings are the smaller Quartermaster's Store, with five bays of timber post and beam construction, and the Carpentry Workshop, which are timber framed and three bays wide, both constructed of Oregon.

Other elements of significance include the alignments of rail sidings that once ran through the site which are still visible in the landscape through the location and orientation of some of the buildings and roads, while to the south a remaining siding is still clearly visible.

OWNERSHIP/LEASE

The site was sold by Defence in 2003, and then leased back. It is owned by Moorebank Industrial Property Trust. The initial lease term was for 10 years (i.e. expiring 2013) with two five-year extension options (i.e. potentially out to 2023).

Defence will invest in new facilities and infrastructure for a DNSDC on the Commonwealth owned land to the north and east of the current leased site at Moorebank. Construction for this has commenced and is expected to be finished in late 2014. Although no particulars of the current lease agreement is known to Council, it is expected that Defence will give up the lease once the new facility is completed and the operations have been moved.

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HERITAGE SIGNIFICANCE

Council has advised that the planning proposal is the result of a report, the Non-Indigenous Heritage Impact Assessment prepared by Artefact on behalf of SIMTA for the Part 3A application and EPBC Act approval. The report recognised the heritage significance of the site and the fact that there will be no heritage protection of the site once Commonwealth activities on the site ceases.

A Heritage Assessment of the site was prepared by Graham Brooks and Associates in 2001 on behalf of the Department of Defence.

Both these reports (in "Documents") recognise the high heritage significance of the DNSDC site and recommended for preservation.

PROPOSAL

In order to provide proper recognition/protection of the built heritage items on site, it was considered by Council that the best course of action is to list the site on the local heritage register.

Council believes the site has both state and local significance and should be listed on both registers and, therefore has nominated the site to be listed in the State Heritage Inventory. A submission for nomination was submitted to the Office of Environment and Heritage (OEH) during December, 2013. The OEH has advised that it is yet to consider the nomination.

DEPARTMENT SUPPORT

Council's planning proposal is supported. The reports prepared by Artefact and Graham Brooks have identified the site as having state and local heritage significance. Protection under the Liverpool LEP 2008 will allow consideration/protection of its significance under the heritage provisions of the LEP (cl. 5.10 Heritage conservation).

Consistency with strategic planning framework :

The planning proposal is to identify the site in Schedule 5 Environmental Heritage as a local heritage item to be protected under the heritage provisions (cl. 5.10 Heritage conservation) of the LEP.

Environmental social economic impacts :

There will be a net community benefit in the recognition of the heritage significance of the DNSDC site within the LEP.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage		

Is Public Hearing by the PAC required? No

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

If no, provide reasons :

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Artefacts_report .pdf	Study	Yes
Council_resolution_and_report .pdf	Proposal	Yes
The_Heritage_report.pdf	Study	Yes
Liverpool City Council_06-01-2014_Planning Proposal for Liverpool Local Environmental Plan 2008_part 1.pdf	Proposal	Yes
Liverpool City Council_06-01-2014_Planning Proposal for Liverpool Local Environmental Plan 2008_part 2.pdf	Proposal	Yes
Planning_proposal.pdf	Proposal	Yes
Site_identification_zoning_and_Heritage_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**
 2.3 Heritage Conservation
 5.1 Implementation of Regional Strategies
 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. Exhibited for 14 days, and the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publically available along with planning proposal as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**
- 2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979.**
- 3. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.**
- 4. Council is to consult with:**
 - The Heritage Division, Office of Environment and Heritage**

PLAN MAKING DELEGATION:

The Minister delegated his plan making powers to councils in October 2012. Council has

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now accepted this delegation. Liverpool City Council has requested to exercise the delegation for this planning proposal.

Supporting Reasons : The planning proposal will facilitate a local heritage item to be protected under the heritage provisions (cl. 5.10 Heritage conservation) of the LEP.

Signature:

R Taumming

Printed Name:

Rachel cumming

Date:

17th Jan 2014