



# **PLANNING REPORT**

**Section 75W Modification to Concept Plan  
05\_0047 – Gateway Enterprise Park at**

***213 Sydney Road  
(Great Western Highway), Kelso***

Prepared for:

**Gateway Land Corporation**

C/-Crawford Architects

Suite 100, Jones Bay Wharf

PYRMONT NSW 2009

Prepared by:

**GSA PLANNING PTY LTD**

**Urban Design, Heritage, Environmental & Traffic Planners**

(A.B.N 18 003 667 963)

JOB NO: 08063.

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1. Masterplaning Drawings – Crawford Architects;
2. Operations Summary - Crawford Architects;
3. Proposed Rail Siding and Operational Requirements – Wands Solutions Pty Ltd;
4. Landscape Design Report - Guy Sturt & Associates;
5. Landscape Concept Masterplan – Guy Sturt & Associates;
6. Visual Assessment - Crawford Architects;
7. Noise Assessment – Indigo Acoustics Pty Ltd;
8. Indigenous Heritage Assessment - OzArk EHM Pty Ltd;
9. Flora and Fauna Assessment – Geolyse Pty Ltd;
10. Preliminary Assessment of Muldoons Quarry Kelso, NSW for Contamination – Enviroseer;
11. Preliminary Assessment of Reedy's Orchard Kelso, NSW for Contamination – Enviroseer;
12. Stormwater Flooding and Riparian Corridor Assessment – Worley Parsons Resources and Energy;
13. Traffic Report – Colston Budd Hunt and Kafes Pty Ltd;
14. Conditions of Approval – Department of Planning.

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**ABBREVIATIONS**

<b>ARTC</b>	-	Australian Rail Track Corporation Ltd
<b>BCA</b>	-	Building Code of Australia 2004
<b>BLALC</b>	-	Bathurst Local Aboriginal Land Council
<b>BRC</b>	-	Bathurst Regional Council
<b>DCP</b>	-	Development Control Plan
<b>DOP</b>	-	Department of Planning
<b>DLWC</b>	-	Department of Land and Water Conservation
<b>EA</b>		Environmental Assessment
<b>EIS</b>	-	Environmental Impact Statement
<b>ENCM</b>	-	Environmental Noise Control Manual
<b>EP&amp;A</b>	-	Environmental Planning and Assessment (Act, 1979)
<b>EPA</b>	-	Environmental Protection Agency
<b>GWH</b>	-	Great Western Highway
<b>GWR</b>	-	Great Western Railway
<b>LEP</b>	-	Local Environmental Plan
<b>LGA</b>	-	Local Government Area
<b>NSW</b>	-	New South Wales
<b>RBL</b>	-	Rated Background Noise Levels
<b>REP</b>	-	Regional Environmental Plan
<b>RTA</b>	-	Roads and Traffic Authority
<b>SEPP</b>	-	State Environmental Planning Policy
<b>TEU</b>		Twenty Foot Equivalent Container Units
<b>VMP</b>	-	Vegetation Management Plan

## 1.0 INTRODUCTION

This Planning Report has been prepared for Gateway Land Corporation on behalf of Crawford Architects by Gary Shiels & Associates Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

This Report is to accompany a Section 75W Modification to the Minister to the Approved Concept Plan (05\_0047) for a Road/Rail Freight Terminal, Great Western Highway, Kelso. The Approved Concept Plan comprises intermodal freight terminal including truck access, railway siding and interface, containerised goods storage yards, highway frontage uses, warehouse facilities and open storage areas and parking for 465 vehicles.

The Section 75W modification proposes a revised building layout, road and layout, larger riparian zone and introduces two new uses to the approved highway uses. The proposal has a similar total floor area and building footprint as the approved one, comprises similar uses, maintains the protection zone of the watercourse with a larger riparian zone, and revised stormwater controls and maintains the location of access points. It is for this reason it is a Section 75W Application.

Consultation has been undertaken with officers from the Department of Planning who have confirmed that the proposal is a Section 75W Modification.

This report has considered a number of documents and other specialist reports relating to the modification and the site. These documents include the following annexures to this report:

1. Masterplaning Drawings – Crawford Architects;
2. Operations Summary - Crawford Architects;
3. Proposed Rail Siding and Operational Requirements – Wands Solutions Pty Ltd;
4. Landscape Design Report - Guy Sturt & Associates;
5. Landscape Concept Masterplan – Guy Sturt & Associates;
6. Visual Assessment - Crawford Architects;
7. Noise Assessment – Indigo Acoustics Pty Ltd;
8. Indigenous Heritage Assessment - OzArk EHM Pty Ltd;
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11. Preliminary Assessment of Reedy's Orchard Kelso, NSW for Contamination – Enviroseer;
12. Stormwater Flooding and Riparian Corridor Assessment – Worley Parsons Resources and Energy;
13. Traffic Report – Colston Budd Hunt and Kafes Pty Ltd;
14. Conditions of Approval – Department of Planning.

This document is divided into twelve (12) sections. In addition to this Introduction, the remaining sections include a Site Analysis; Consideration of the Existing Environmental Factors; Background and Description of the Proposed Modification; Requested Modifications to the Conditions of Consent; and Background, Key Issues, Strategic Assessment, Planning Controls Assessment, an On-Site and Off-Site Environmental Assessment of the Likely Impact of the Modification. The final section contains a Conclusion and Recommendations.

## 2.0 SITE ANALYSIS

### 2.1 General

This section will provide a description of the region and the site, including built form and landscape, topography and soils and its flora and fauna. In addition, this section will also describe the site's surrounds, including the land uses, the road/rail network and regional characteristics and context.

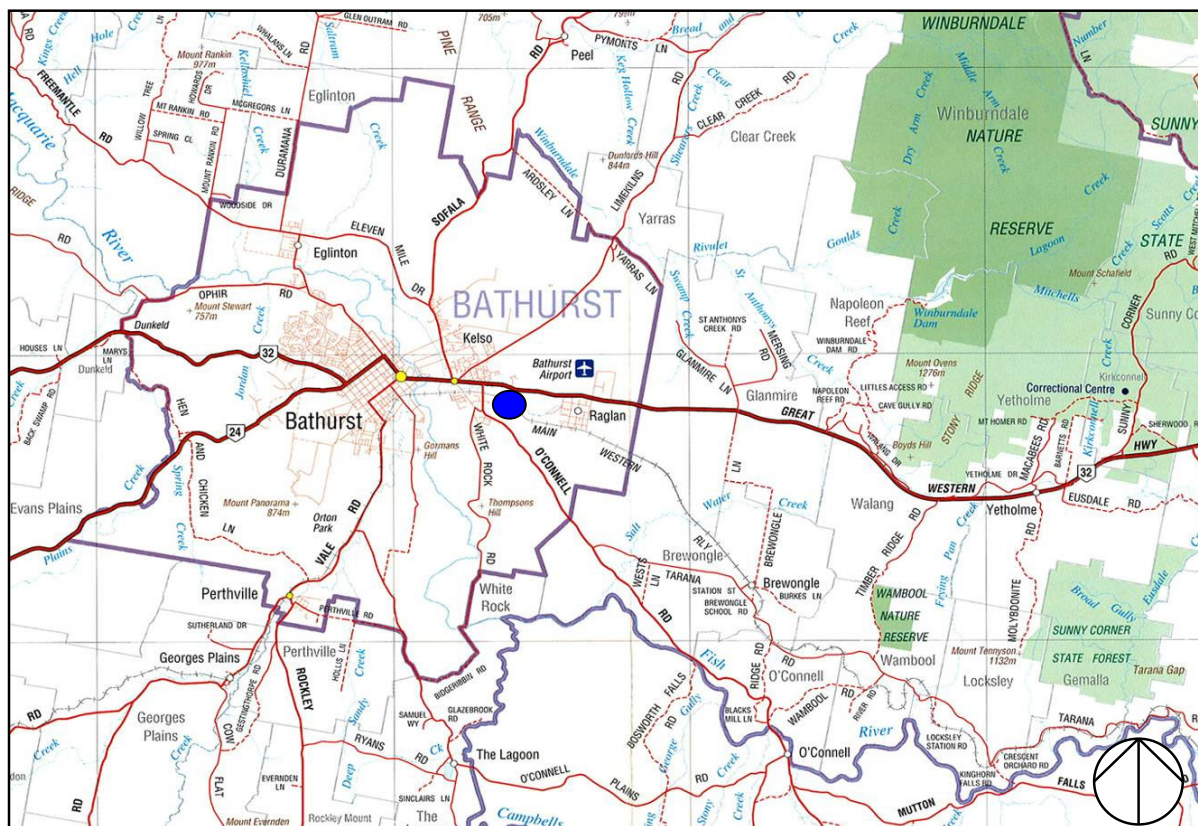
### 2.2 The Region

Bathurst is located approximately 200km west of Sydney and is within the Bathurst Region Local Government Area. Set in the central tablelands by the Macquarie River, Bathurst is on the Great Western Highway west of Lithgow and situated at the junction of the Great Western and Mitchell Highways.

Bathurst is served by the Great Western Railway that links Bathurst with Sydney to the east and centres to the north, south and west via the state rail network.

### 2.3 The Site

The site is located to the south of the Great Western Highway approximately 4km east of Bathurst Town Centre (see Figure 1).

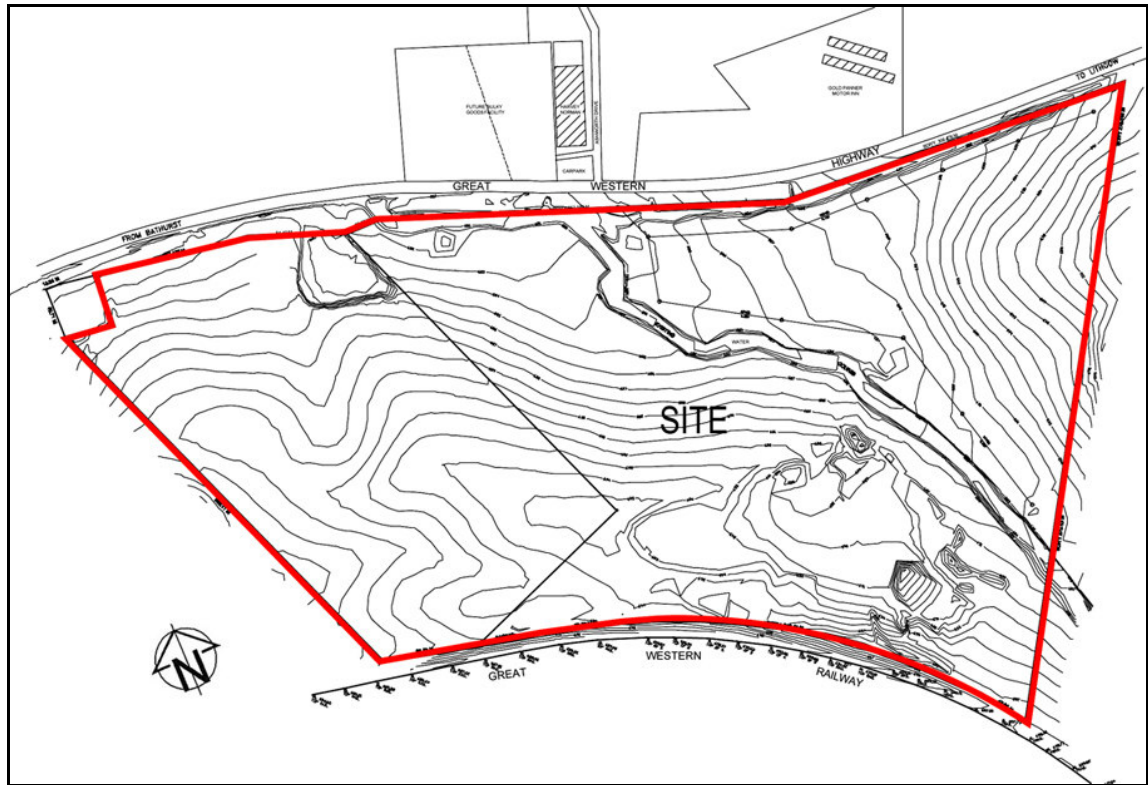


Source: NSW Department of Lands, 2003

**Figure 1: Site Location**

The site comprises two allotments, which are legally known as Lot 1 DP 164151, Lot 21 DP 137352, Lot 22 DP 137352, Pt 81 DP 755781, Pt 60 DP 755781, Pt 73 DP 755781 and Pt 68 DP 755781.

The site is an irregular parcel of land with a northern frontage of 900m to the Great Western Highway, an eastern boundary of 434.82m, a rounded 575m southern frontage to the Great Western Railway and a total western boundary of 279.43m, providing a total site area of 29.47ha (see Figure 2).



**Figure 2: Site Plan**

The site generally consists of lightly undulating open land. It contains an old decomposed granite (gravel) quarry (known as Kelso/Muldoon's Gravel Quarry) located in the south-eastern portion of the site with numerous tracks and material stockpiles.

The site is bisected by Raglan Creek, a tributary of Raglan Creek. Raglan Creek runs from the south-eastern corner to the middle of the site's Great Western Highway frontage. The tributary (drainage trench) is located along the Great Western Highway and joins the Main Watercourse at approximately the middle of the site. The information from the Bathurst Regional Council (BRC) and Roads and RTA officers indicates that an easement (road reserve) for the Great Western Highway extends along the centre line of the drainage channel.

## 2.4 Existing Built Form and Landscape

The site is currently vacant of any improvements with the exception of a dwelling on the Great Western Highway frontage and a centrally located small structure (the former Ingersole's Abattoir) close to the Raglan Creek. The site has been extensively cleared of native vegetation. Exotic trees occur in tightly configured corridors, confined within the watercourse and along the Great Western Highway frontage.



## 2.5 Topography

The topography of the site is generally lightly undulating, part of which has been disturbed by quarrying. It generally slopes from the south-eastern and north-eastern corners down to the Raglan Creek. The site slopes from the south-east corner at maximum RL 699 to RL 689, approximately at the centre of the quarry. It rises again to RL 692 and then gradually slopes down to RL 681, on the western bank of the Raglan Creek, approximately at the centre of the site. Likewise, the site slopes from the north-eastern corner at maximum RL 701 to RL 683, on the eastern bank of the Raglan Creek, approximately at the centre of the site.

## 2.6 The Surrounds

Development surrounding the site comprises a mix of rural, industrial, service business and residential uses. The closest residential dwelling in proximity to the site, with the exception of a dwelling within the site, is located on the opposite side of the Great Western Highway within the 3(b) Service Business Zone to the west of the Horse and Ridding Supplies Store.

An existing residential area is located to the north of the Great Western Highway at a distance of approximately 650m from the site behind the service business and highway uses. The surrounding development, which may potentially be affected by the modification, includes the Gold Panners Motor Inn and Ashworth Estate to the north of the site, Caravan Park to the north of the Gold Panners Inn, Diamond Close to the north-west of Ashworth Drive, Sundowner Drive to the west of Diamond Close and the Scots School further south of the site (see Figure 3).



Source: NSW Department of Lands, 2008

**Figure 3: Surrounding Development**

Immediately to the north, on the opposite side of the Great Western Highway, is the “Gold Panner Motor Inn” and rural land (to the east of Ashworth Drive). Also to the north is a Harvey Norman Store and carpark, the Bathurst Supa Centre development and other retail uses, including a pet shop and a horse and riding supplies store (to the west of Ashworth Drive). Neighbouring the horse and riding supplies store to the west is a single storey dwelling house.

To the east, south and west is rural and industrial land. To the south is railway land. Further south is more industrial land. On the rural land to the west is a food processing complex (Devro Pty Ltd).

## **2.7 The Surrounding Road and Rail Network**

### **2.7.1 The Surrounding Roads**

As indicated, the site has a northern frontage to the Great Western Highway and a southern frontage to the Great Western Railway. The Great Western Highway is a two lane undivided road, carrying two way traffic east towards Lithgow and Sydney and west towards Bathurst.

The Highway comprises 60km/h and 80km/h speed limits. The Highway along the eastern part of the site’s frontage is subject to the 80km/h speed limit and the western part is subject to the 60km/h limit. Further details are provided in the Traffic Report prepared by Colston Budd Hunt and Kafes (see Annexure 13).

### **2.7.2 Great Western Railway**

Immediately to the south of the site is the Great Western Railway mainlines and rail corridor. One line carries rail traffic east (Down Line) towards Lithgow and Sydney, while the other line carries rail traffic west (Up Line) towards Bathurst and beyond.

### **2.7.3 Car Parking**

Currently, there is no formalised car parking available on the site. A single vehicular access is currently available from the Great Western Highway toward the north-west end of the site.

## **3.0 EXISTING ENVIRONMENT**

### **3.1 General**

This section will describe the existing environment including flora and fauna, hydrology and services, visual character, and the existing noise levels in respect of the surrounding land uses.

### **3.2 Flora and Fauna**

As part of the Concept Plan approval, a Flora and Fauna Assessment was undertaken by Geolyse Pty Ltd, which outlines the existing vegetation on the site. A Supplement to this assessment has been received as part of the Section 75W modification (see Annexure 9). The Supplement confirms that there is no new sightings / recordings of endangered species observed on site since 2005.

The flora and fauna report states that around 10% of the site's area has been disturbed by the previous use of granite gravel quarrying and a long history of agricultural use. The site has been extensively cleared of native vegetation and exotic species occur in tightly configured corridors within the Raglan Creek and the drainage channel that adjoins the Great Western Highway. The fauna populations at the site are low as a consequence of land degradation and limited habitat diversity. In terms of amphibian and reptilian species, no small terrestrial native mammal species were observed or are likely to occur in the study area due to lack of habitat diversity. However, based on potential habitat resources within the immediate vicinity of the site and the listings recorded in nearby locations, an "Eight Part Test" was undertaken to determine whether any threatened species or communities would be significantly affected by future development.

As part of the Concept Plan Assessment, water quality measurements of the standing pools were also taken to determine the water quality in order to ascertain the aquatic ecology as part of the flora and fauna assessment.

The assessment established the existing stream water quality for the purpose of the flora and fauna report. The values measured were within the desired range, with the exception of dissolved oxygen levels, which were below optimum levels for aquatic organisms.

### **3.3 Hydrology and Services**

As part of the Concept Plan Approval, a Hydraulic Services Report was prepared by Whipps-Wood Consulting, which describes the existing hydrology and services on the site. In addition, a Stormwater Flooding and Riparian Corridor Assessment have been prepared by Worley Parsons Resource and Energy as part of the Section 75W modification (see Annexure 12).

#### **3.3.1 Existing Watercourses**

As indicated, the existing Raglan Creek bisects the site. It enters the site on the south-eastern boundary and extends to approximately the middle of the site at the Great Western Highway frontage. This watercourse has undergone considerable disturbance from quarrying, grazing and cropping. Shed remnants and abandoned car bodies are evident midway along the watercourse. In addition, a tributary of Raglan Creek is located along part of the Great Western Highway frontage. This tributary is a drainage channel that extends from the north-western boundary and intersects Raglan Creek

approximately at the centre of the site at the Great Western Highway frontage. After the point of intersection, the watercourse flows north and drains via a series of culverts beneath the Great Western Highway. Both the Raglan Creek and its tributary contain semi-permanent waterhole soakage areas.

### **3.3.2 Services**

Two sewer lines traverse the site and include a 375mm carrier main from the adjacent Raglan industrial area and a 150mm house service line which serves the adjoining property to the east of the site. The 375mm sewer line follows the route of Raglan Creek within the site while the 150mm house service line is laid within the easement.

A BRC Carrier Water Main is located between the northern side boundary and the Great Western Highway. A gas main is located within the Great Western Highway and does not transverse or impede on the site. Other essential services, including electricity and telecommunications, are also available to serve future development and will be upgraded or augmented as required, based on further detailed analysis.

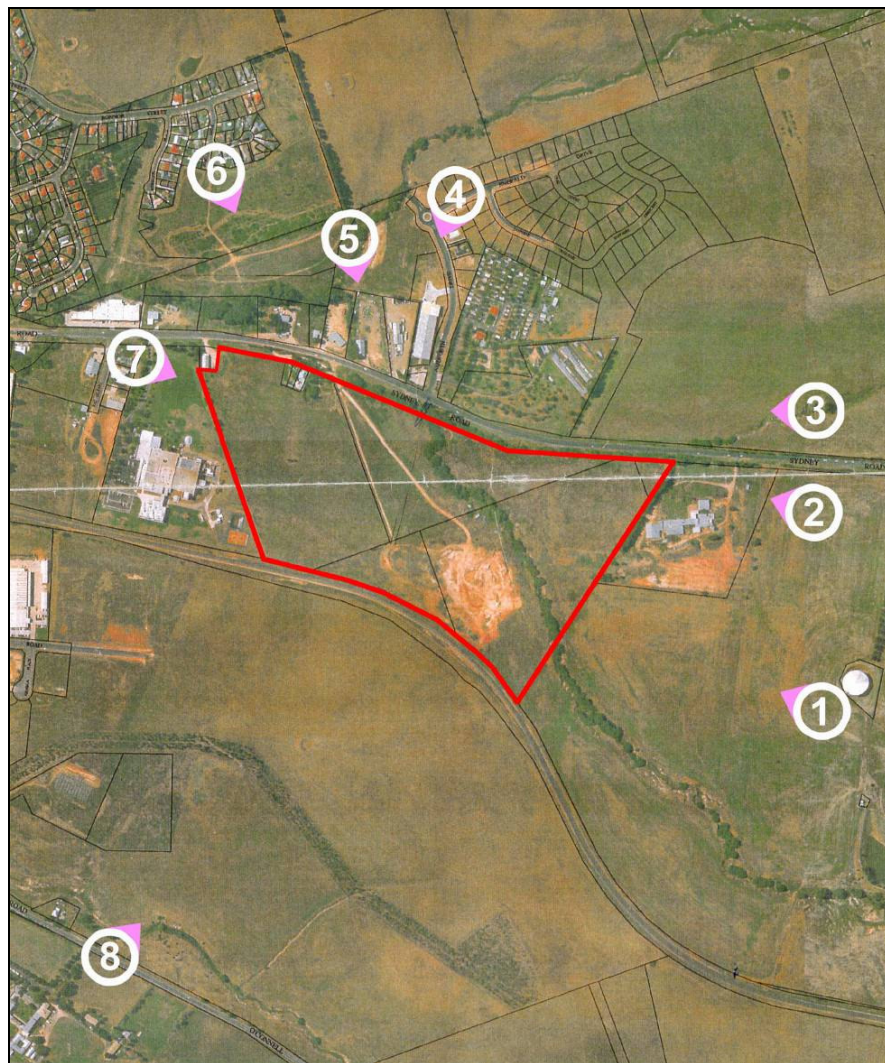
## **3.4 Visual Character**

The site is generally lightly undulating with Raglan Creek and its tributary containing two dominating vegetation communities, which include pastureland and degraded riparian corridor.

The visual character of the environs of the site is predominantly open rural land to the east with urbanisation occurring to the west. This results in a visual contrast between the rural land and more urban development, which includes industrial, service business and residential uses along the Great Western Highway. Apart from the residential building to the east of the site and an industrial building to the west of the site, the area in the vicinity of the site, south of the Great Western Highway, has a more rural character with some industrial use evident.

The Visual Assessment submitted as part of the Concept Plan Approval identified 9 key locations (termed Visual Receptors), from which views to the site may be potentially affected by future development of the site, have been identified from their location and topography (see Figure 4). A Supplement to this assessment has been prepared by Crawford Architects to ascertain the potential visual impacts of the modification as viewed from the key locations (see Annexure 6).





(Note that Mount Panorama is also identified but not indicated on this plan.)

**Figure 4: Visual Receptor Locations**

### 3.5 Acoustic Environment

As part of the Concept Plan approval, a Noise Assessment was undertaken by Indigo Acoustics to address the potential noise impact of future development on the surrounding residences. A Supplement to this assessment has been received as part of the Section 75W modification (see Annexure 7).

Existing noise levels over a 7 day period were measured at two sites, and at three sites over a 9 day period, to ascertain the typical noise levels encountered by residents as a result of ambient conditions, traffic on the Great Western Highway and the trains the main railway line. The noise levels were measured on sites which include industrial areas, residential areas and a school (The Scots School), which may be potentially effected by future development. Those sites are as follows:

- Location 1 - Approximately 50m east of the house on the site at a similar setback to the house from the Highway.
- Location 2 - At the Gold Panner Motor Inn.
- Location 3 - At No.13 Ashworth Drive (north of the site on the opposite side of the Great Western Highway)

- Location 4 - At the Scots School further south of the site.
- Location 5 - At No.22 Cross Street, Raglan (nearest established residential area to the west of the site).

The background noise levels in terms of Rated Background Noise Levels (RBL's) are summarised in Table 1.

<b>TABLE 1: SUMMARY OF MEASURED BACKGROUND NOISE LEVELS (L<sub>A90</sub>)</b>			
<b>Location</b>	<b>Daytime 7am – 6pm</b>	<b>Evening 6pm – 10pm</b>	<b>Night time 10pm – 7am</b>
House on site	46 dB(A)	46 dB(A)	39 dB(A)
Gold Panner Motor Inn	42 dB(A)	40 dB(A)	35 dB(A)
No.13 Ashworth Drive	37 dB(A)	39 dB(A)	36 dB(A)
The Scots School	46 dB(A)	40 dB(A)	36 dB(A)
No.22 Cross Street, Raglan	39 dB(A)	39 dB(A)	36 dB(A)

Source: Indigo Acoustics, July 2005

The existing traffic noise levels in terms of L<sub>Aeq</sub> for a period of 15 hours during the day and 9 hours during the night for the 3 locations close to the highway are summarised in Table 2.

<b>TABLE 2: SUMMARY OF MEASURED TRAFFIC NOISE LEVELS (L<sub>Aeq</sub>,PERIOD)</b>		
<b>Location</b>	<b>Daytime 7am – 10pm</b>	<b>Night time 10pm – 7am</b>
House on site	56 dB(A)	55 dB(A)
Gold Panner Motor Inn	56 dB(A)	53 dB(A)
No.13 Ashworth Drive	54 dB(A)	48 dB(A)

Source: Indigo Acoustics, July 2005

As previously mentioned a supplement to the Noise Assessment has been submitted to assess the potential impacts of the Modified Concept Plan (see Annexure 7). A noise assessment has been undertaken in Section 11.2 of this report to ascertain the potential impacts of future development on the surrounds.



<b>TABLE 3: DETAILS OF THE APPROVED CONCEPT PLAN</b>		
<b>Site No.</b>	<b>Use</b>	<b>Gross Floor Area</b>
Site 1	Warehousing	13,000m <sup>2</sup>
Site 2	Warehousing	5,250m <sup>2</sup>
Site 3	Warehousing	7,125m <sup>2</sup>
Site 4	Warehousing	3,995m <sup>2</sup>
Site 5	Warehousing	4,135m <sup>2</sup>
Site 6	Warehousing	3,990m <sup>2</sup>
Site 7	Warehousing	3,520m <sup>2</sup>
Site 8	Warehousing	6,260m <sup>2</sup>
Admin & Security bldg	Admin & Security	1,060m <sup>2</sup>
Railway Engineers Facility Truck Stop	Railway Engineers Facility – Truck Stop	1,215m <sup>2</sup>
Forklift Maintenance bldg	Forklift Maintenance	590m <sup>2</sup>
Bulky Goods A	Bulky Goods	4,500m <sup>2</sup>
Bulky Goods B	Bulky Goods	3,375m <sup>2</sup>
Bulky Goods C	Bulky Goods	3,375m <sup>2</sup>
Service Station	Service Station	520m <sup>2</sup>
<b>TOTAL</b>		<b>61,910m<sup>2</sup></b>

The Approved Concept Plan comprises a gross floor area (GFA) of 61,910m<sup>2</sup>. When compared with the site area of 294,725m<sup>2</sup>, this provides for a total floor space ratio (FSR) of 0.2:1.

The initial capacity of the approved road/rail freight terminal is expected to be 24,336 Twenty Foot Equivalent Container Units (TEUs) per annum, which equates to 1 train per day for 6 days per week, with a maximum capacity of 73,008 TEU's per annum (3 trains per day) for 6 days per week

## 4.2 Consultation With The Department of Planning

Consultation had been undertaken with the Department of Planning (DOP) regarding the modified proposal. Two meetings were held on 5 June 2007 and 24 October 2008. A summary of the issues discussed during these meetings can be found below:

### Meeting 05 June 2008

A meeting was held at the Department of Planning to discuss possible changes to the Approved Concept Plan. Representatives from Department of Planning, Gateway Land Corporation, GSA Planning and Crawford Architects were in attendance.

The proposal that was discussed during this meeting included the following:

- A revised building layout including breaking up of the approved highway uses, revised mid section of the site which includes a mixture of warehouse and bulky goods uses and largely un altered container hardstand area;
- A revised road layout which maintained the approved access points;
- Changes to the approved riparian zone and reduction in the number of water storage ponds; and;
- Revised building staging.



**Meeting 24 October 2008**

On 24 October 2008 a meeting was held to discuss a revised concept plan at the Department of Planning with representatives from Department of Planning, Gateway Land Corporation, GSA Planning and Crawford Architects.

The proposal that was discussed during this meeting was similar to the submitted Modified Concept Plan and included the following:

- Revised footprint layout for the individual allotments and buildings on site including breaking the mid section of the proposal into,
- The introduction of two (2) fast food restaurants with 24hours of operation;
- Revised road layout including changes to the westernmost vehicular access to provide access to the service station and the internal road network;
- A revised rail siding and loading area and revised hardstand area storage
- The introduction of a left turn in (whilst maintaining the approved left turn out) from the easternmost access point to improve accessibility and traffic management;
- A revised waterway designing including increasing the area of the riparian corridor revised stormwater management strategy and reduction in culverted length of watercourse; and
- Vacant north eastern portion of the site which may be the subject of a separate development application at some stage in the future;

Department of Planning officers confirmed that the proposed modifications will require a Section 75W modification. As this is the case, a Section 75W is submitted for the proposed changes to the Concept Plan.

## 5.0 DETAILS OF THE PROPOSED MODIFICATION

### 5.1 General

The section will describe the proposed modifications to the Approved Concept Plan.

### 5.2 Description of the Proposed Modifications

The proposed modifications change the layout of the Approved Concept Plan and introduce new elements to the proposal. Key changes include:

- A revised footprint layout for the individual allotments and buildings on site, reflecting known current market demand;
- A slight reduction of total gross floor area (GFA) from 61,910m<sup>2</sup> (approved) to a total of 60,600m<sup>2</sup> (proposed).
- The introduction of two (2) fast food restaurants with 24hours of operation;
- A reduction in the hardstand area storage from 52,000m<sup>2</sup> to 41,624m<sup>2</sup>.
- A revised rail siding and loading area.
- The westernmost vehicular access to provide access to the service station and the internal road network, providing improved traffic circulation for the site;
- The introduction of a left turn in (whilst maintaining the approved left turn out) from the easternmost access point to improve accessibility and traffic management;
- A revised stormwater management strategy which predominately adopts an on-site treatment philosophy.
- An increase in riparian corridor area, resulting from an increased riparian corridor width.
- A reduction in culverted length of watercourse, resulting in an increased length of open vegetated channel.
- Consolidation of the approved truck refuelling facility, railway engineer's facility and forklift maintenance facility into the administrative facility.
- Subdivision; and,
- Revised Concept Plan staging.
- The north eastern portion of the site (Lot 10) will not be part of this application and may be the subject of a separate development application at some stage in the future;

The proposed plan is illustrated in Figure 6 on the following page. This figure also includes the Approved Concept Plan to demonstrate that it is similar to the proposed.

[illegible]

**Figure 6: Concept Plan Layout**

### 5.3 Changes to Built Form and Land Use

The Approved Concept Plan comprises a gross floor area (GFA) of 61,910m<sup>2</sup>. The Modified Concept Plan will result in a gross floor area (GFA) of 60,090m<sup>2</sup> which is 1,820m<sup>2</sup> less than the approved development.

When compared with the proposed site area of 294,725m<sup>2</sup>, this provides for a total floor space ratio (FSR) of 0.2:1 and is within Bathurst Council FSR Controls for similar uses, such as service business and warehousing in industrial zones (FSR 1:1).. A summary of the proposed uses and their associated gross floor area is contained in Table 4 below.

TABLE 4: DETAILS OF THE MODIFICATION		
Site No.	Use	Gross Floor Area
<b>Highway Frontage</b>		
Site 1	Highway Frontage Use	5,295m <sup>2</sup>
Site 2	Service Station	520m <sup>2</sup>
Site 3	Highway Frontage Use	900m <sup>2</sup>
Site 4	Highway Frontage Use	930m <sup>2</sup>
Site 5	Fast Food Outlet	485m <sup>2</sup>
Site 6	Fast Food Outlet	465m <sup>2</sup>
Site 7	Highway Frontage Use	780m <sup>2</sup>
Site 8	Highway Frontage Use	1,015m <sup>2</sup>
Site 9	Highway Frontage Use	1,380m <sup>2</sup>
Site 10	Future Development Site	
<b>Warehouse/ Distribution</b>		
Site A	Warehouse / Distribution	4,505m <sup>2</sup>
Site B	Warehouse / Distribution	2,990m <sup>2</sup>
Site C	Warehouse / Distribution	2,790m <sup>2</sup>
Site D	Warehouse / Distribution	2,590m <sup>2</sup>
Site E	Warehouse / Distribution	2,925m <sup>2</sup>
Site F	Warehouse / Distribution	2,080m <sup>2</sup>
Site G	Warehouse / Distribution	4,465m <sup>2</sup>
Site H	Warehouse / Distribution	3,750m <sup>2</sup>
Site I	Warehouse / Distribution	4,160m <sup>2</sup>
Site K	Warehouse / Distribution	4,930m <sup>2</sup>
Site L	Warehouse / Distribution	6,155m <sup>2</sup>
Site M	Warehouse / Distribution	4,900m <sup>2</sup>
<b>Road/ Rail Freight Terminal</b>		
IMT.a	Road/ Rail Freight Terminal – Supporting Facilities	2,080 m <sup>2</sup>
IMT.b	Road/ Rail Freight Terminal – Loading Facilities	
<b>TOTAL</b>		<b>60,090m<sup>2</sup></b>

#### **Highway Frontage Uses**

The approved highway frontage uses comprise some 11,250m<sup>2</sup> of GFA along the Great Western Highway frontage. The approved Highway Uses include bulky goods retail, small warehousing, and rural produce suppliers, without restricting those uses that would also be permissible in accordance with the current LEP (See section 8.2.1). The proposal maintains these highway frontage uses such as bulky goods retailing and also includes new uses including take away food outlets and motor showrooms. The proposal maintains the approved GFA of 11,250m<sup>2</sup>.

### ***Warehousing and Distribution***

The Approved Concept Plan includes eight (8) development sites as regional terminal warehousing and comprises a total GFA of 47,275m<sup>2</sup>. The proposal comprises a similar GFA of 46,240m<sup>2</sup> in twelve (12) development sites and a modified footprint layout to better suit an anticipated greater number of users with smaller space requirements and are more consistent with the recommendation of the Urban Region Strategy.

### ***Road and Rail Freight Terminal***

The Approved Concept Plan comprises a hardstand area of approximately 52,000m<sup>2</sup> for the transfer of goods and produce from storage/trucks to trains and vice versa (generally comprising short to medium term storage). The proposal will maintain a hardstand and loading area of approximately 41,624m<sup>2</sup>, with a terminal administration building comprising a GFA of 2,080m<sup>2</sup>. The hardstand area will continue to facilitate the transfer of goods and produce from storage/trucks to trains and vice versa and will generally comprise short to medium storage

### ***Building Envelope***

The overall height of the proposed highway uses will remain at 10m and regional warehouse uses 15m. A 10m landscape setback and 20m building setback to the Great Western Highway is proposed. Internally all buildings are to have 5m setback from the internal service roads (see Annexure 1).

## **5.4 Operational Changes**

An Operations Summary for the proposed modification has been prepared by Crawford Architects (see Annexure 2). Minor operational changes are proposed as part of the proposed modification.

The Administration and Security Building is to be relocated from the site entrance to the rear of the site nearer to the Regional Warehousing Facilities. The new location provides a greater level of security to the Loading Area, Containerised Storage Area and Regional Warehousing. In addition, the approved Truck Refuelling Station, Railway Engineers Facility and Forklift Maintenance Facility are proposed to be relocated into the larger Administration and Security Building.

The hours of operation are to remain unchanged with the exception of the proposed fast food restaurants which are proposed to operate 24 hours.

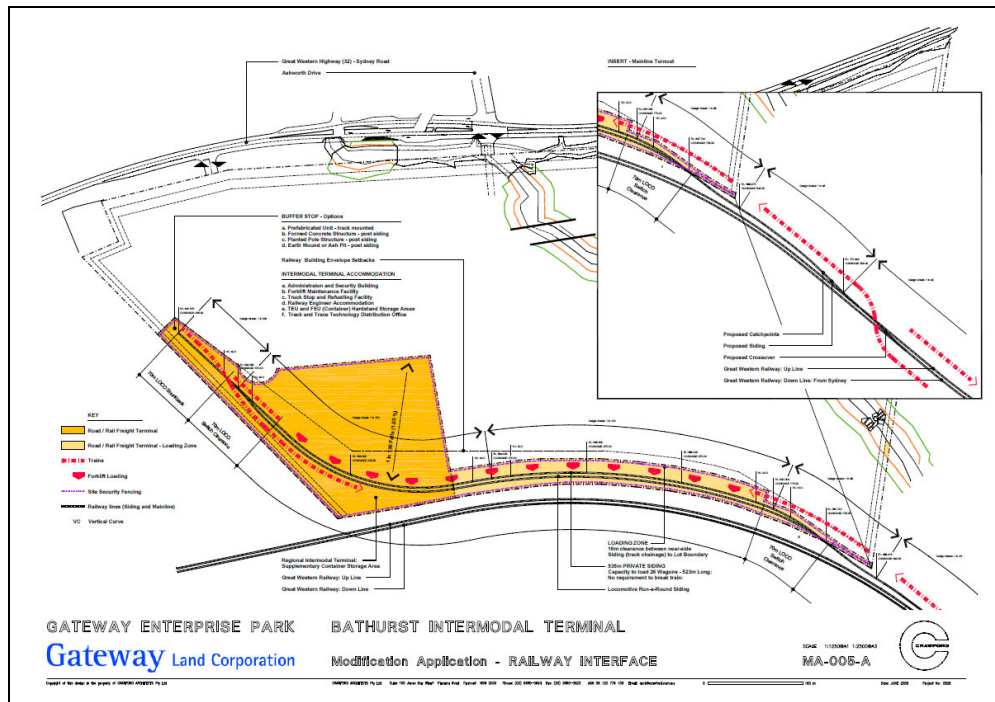
## **5.5 Changes to Rail Infrastructure**

A more efficient rail siding alignment has also been adopted and the loading arrangements changed slightly to reflect the operational requirements of intermodal operators with whom the developer has been in discussions.

To accommodate the new site layout the siding curvature at the south-west corner of the site has been reduced to a radius of 200m. The length of the siding has also been reduced to 535m, as with the approved siding points at either end, to provide locomotive run-around (change ends) facilities. The double siding rail design will still allow 523m length trains (2 loco/26 wagon) to enter and exit the site in a forward direction (see Figure 7 on the following page).

A main line crossover on the Sydney side will be installed to provide direct access to the main line. The crossover will be operated by motorised points and remote control. The proposed private sidings will utilise motive power and rolling stock from an existing operator on the ARTC Network.

A letter supporting the proposed siding changes from Wands Solutions, Raglan to Kelso Rail Signalling Diagram by UTS Rail and the Bathurst Intermodal Terminal Rail Sign Off by Samrom Pty Ltd can be found in Annexure 3 of this Report



**Figure 7: Revised Railway Interface Design**

## 5.6 Changes to Landscaping

A revised Landscape Plan and Landscape Design Report have been prepared by Guy Sturt and Associates, which outlines the landscape design principles (see Annexures 4 and 5). The Landscape Plan is consistent with the design principles and guidelines implemented by the approved landscape plan.

The design remains effectively the same with the following exceptions:

- Revision to the stormwater management techniques from three remote Water Quality Ponds to a series of Bio Retention Swales and a single Water Quality Pond, more evenly spaced around the site to more accurately reflect the requirements of the site benching and existing contouring. The detail design of these is outlined by Worley Parsons.
- The riparian zone is widened to incorporate a 'Design Watercourse Batter Allowance'.
- Formation of internal streets with "Cluster" style street landscaping and visually terminating street corridors with landscape treatments to roundabouts. Feature landscaping to sculptural estate signage elements.

As with the Approved Concept Plan the Modified Concept Plan will use a wide variety of Indigenous plants from local plant communities to revegetate the site. They will provide a visual barrier as well as providing erosion control to all areas not required for operations.



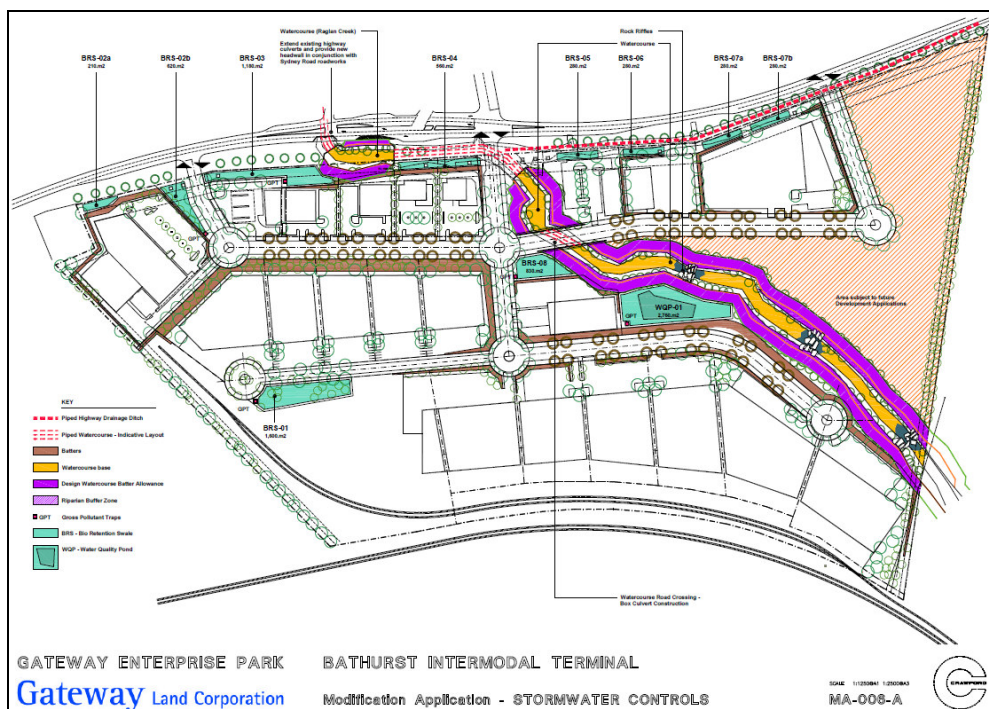


## 5.7 Changes to Stormwater and Riparian Corridor

A revised Stormwater Management Strategy has been produced by Worley Parsons Resources and Energy (see Annexure 12). The strategy adopts an on-lot treatment philosophy. The Stormwater Management Strategy includes gross pollutant traps, rock riffles, bio-retention swales, as well as a water quality control pond. The strategy has been developed having regard for the civil engineering aspects of the development, such as proposed stormwater line alignment and site grading.

The revised Stormwater Management Strategy will also require an increase in riparian width from 40m up to 50m. The corridor width was increased to allow for improvements of the existing batters to a minimum 1:2 batter slope. The 10m riparian buffer is to be maintained. The existing creekline and riparian corridor will be rehabilitated in accordance with DWE guidelines.

A reduction in culverted length of watercourse will result in an increased length of open vegetated channel. Due to civil engineering constraints, it is proposed to culvert some sections of watercourse. However, the total length of culvert has been reduced from the concept plan development proposal. Figure 9 below outlines the proposed stormwater and riparian corridor controls.



**Figure 15: Stormwater Controls**



## 5.8 Changes to Access and Internal Service Roads

The approved access arrangements to the site are to remain largely unchanged with the exception of a new left turn in from the Great Western Highway to the approved eastern access. In addition, the internal road layout has been revised. A Traffic Report has been produced by Colston Budd Hunt and Kafes Pty Ltd (See Annexure 13).

Vehicular access to the site is to remain via the three (3) approved access points to the Great Western Highway. The main signalised intersection at the Great Western Highway and Ashworth Drive is to remain largely unchanged and will be subject to final design at stage 1 of the Concept Plan. Changes are proposed to both the location of eastern and western vehicular accesses.

The western most access is to provide access to the new internal service road for the proposed highway uses. At the eastern end of the site a new left turn in is proposed to replace the approved left out configuration. New deceleration lanes to both accesses have been designed in accordance with Austroad "Guide to Traffic Practice" (Part 5 – Intersections at Grade).

Internally, the most noticeable changes are the removal of the segregated palletised goods service road in favour of combined palletised and containerised goods service roads. In addition, as previously mentioned, a service road is also proposed at the north of the site to provide access to the proposed highway uses.

Internal roads are to be dedicated to Council will be provided with 22 m reserves with 13 m carriageways and 4.5 m verges. Rights of way are proposed for several internal lots including Lot 1 (bulky goods), A, B, C, D, E, G (warehousing) and the IMTA (intermodal terminal lot).

Several roundabouts and turning circles are also proposed. These roundabouts are designed to accommodate semi trailers and b-double which are expected to service the site.

## 5.9 Future Development Zone

The north-eastern portion of the site, known as Site 10, will not be part of this application and may be the subject of a separate development application at some stage in the future. The approved warehousing detailed in the Approved Concept Plan has been omitted from this location as it has been subsequently determined that it cannot physically relate to the rail loading facilities.

## 5.10 Subdivision

It is proposed to subdivide the development into 23 allotments over several stages of the development. These allotments will range from the 2,700m<sup>2</sup> from Lot 3 to 131,582m<sup>2</sup> for the intermodal terminal. Allotments will be subdivided and sold in accordance with the lot diagram detailed in Annexure 1.

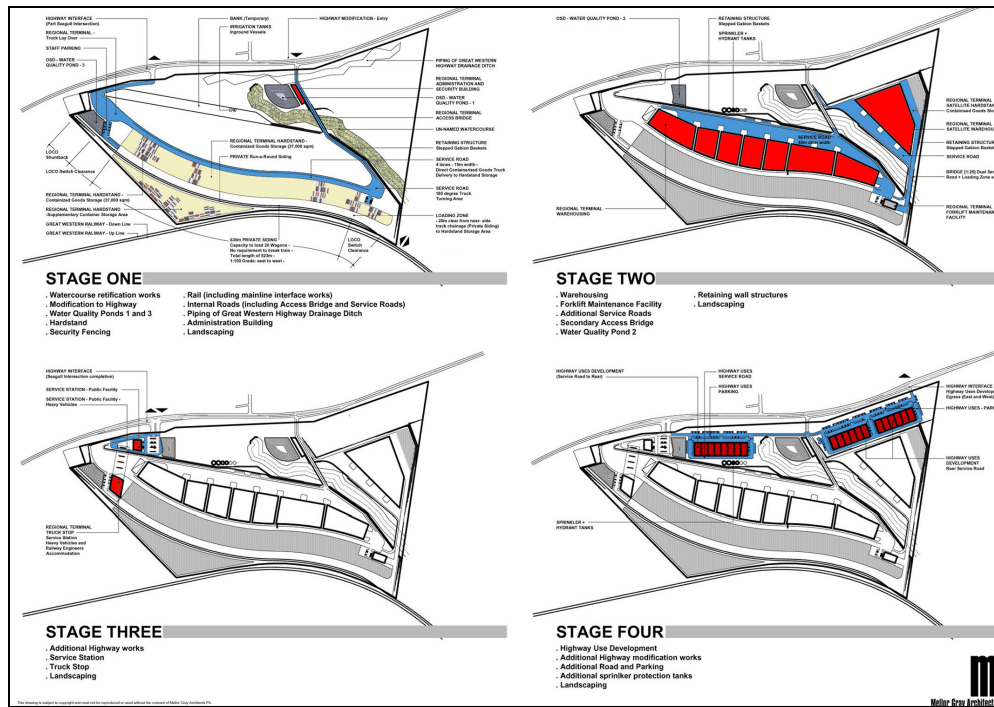
## 5.11 Staging and Implementation

Staging is still proposed over four (4) stages with the main difference being the proposed highway uses included in Stage 1. The four stages proposed will involve both construction and landscape works and are consistent with the Conditions of Approval for the Concept Master Plan. A comparison of the proposed staging compared to the approved staging can be found in Table 5 below.

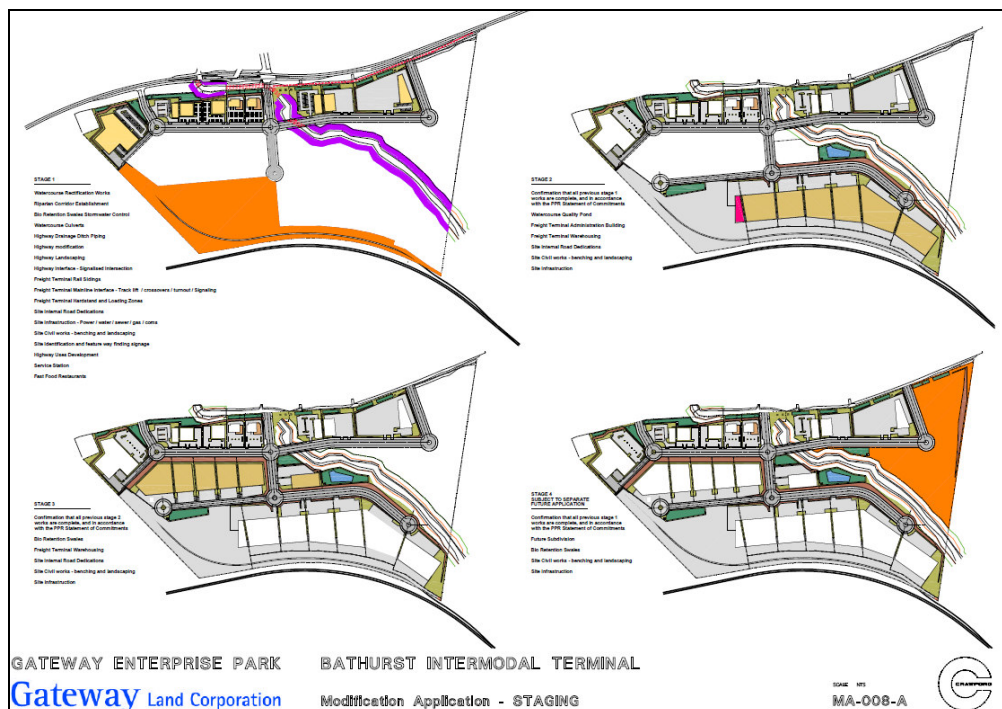
**TABLE 5: STAGING DETAILS**

Approved Development	Proposed Modification
<p><b>Stage 1</b> Stage 1 will include the following works:</p> <ul style="list-style-type: none"> <li>• Highway works including signalised intersection and primary access works;</li> <li>• Landscape works to the Great Western Highway.</li> <li>• Watercourse rectification including removal of willows and establishment of riparian zone;</li> <li>• Hardstand and Loading Zone, including initial earthworks, grading and associated stormwater management;</li> <li>• Rail, including main line connections, interface and private sidings;</li> <li>• Internal roads, including Access Bridge and service roads;</li> <li>• Piping of Great Western Highway drainage channel;</li> <li>• Administration Building;</li> <li>• Landscaping works;</li> <li>• Security fencing;</li> <li>• Site services to support the Stage 1 and provide capacity for future stages .</li> </ul>	<p><b>Stage 1</b> Stage 1 will include the following works:</p> <ul style="list-style-type: none"> <li>• Highway works including signalised intersection and primary access works;</li> <li>• Landscape works to the Great Western Highway.</li> <li>• Watercourse rectification including removal of willows and establishment of riparian zone;</li> <li>• Freight terminal hardstand and loading zones;</li> <li>• Freight terminal rail siding and main line interface;</li> <li>• Site internal road dedications for highway uses;</li> <li>• Bio retention swale stormwater control;</li> <li>• Watercourse culvert;</li> <li>• Site infrastructure: power/ water/ sewer/ gas / communications;</li> <li>• Associated site civil works including benching and landscaping;</li> <li>• Site identification sighs;</li> <li>• Highway uses;</li> <li>• Fast food restaurants and service station.</li> </ul>
<p><b>Stage 2</b> Stage 2 will include the following works:</p> <ul style="list-style-type: none"> <li>• Warehousing;</li> <li>• Forklift Maintenance Facility;</li> <li>• Additional Service Roads;</li> <li>• Secondary Access Bridge;</li> <li>• Water Quality Pond 2;</li> <li>• Retaining Wall Structures; and,</li> <li>• Landscaping works.</li> </ul>	<p><b>Stage 2</b> Stage 2 will include the following works:</p> <ul style="list-style-type: none"> <li>• Freight terminal warehousing (lots G – M);</li> <li>• Freight terminal administration building;</li> <li>• Site internal road dedications for warehousing;</li> <li>• Associated site civil works including benching and landscaping;</li> <li>• Watercourse quality pond;</li> <li>• Associated Site infrastructure.</li> </ul>
<p><b>Stage 3</b> Stage 3 will include the following works</p> <ul style="list-style-type: none"> <li>• Additional Highway improvements;</li> <li>• Service Station;</li> <li>• Truck Stop; and,</li> <li>• Landscaping works.</li> </ul>	<p><b>Stage 3</b> Stage 3 will include the following works:</p> <ul style="list-style-type: none"> <li>• Freight terminal warehousing (lots A – E)</li> <li>• Site internal road dedications for warehousing;</li> <li>• Bio retention swales;</li> <li>• Associated site civil works including benching and landscaping;</li> <li>• Associated Site infrastructure</li> </ul>
<p><b>Stage 4</b> Stage 4 will include the following works</p> <ul style="list-style-type: none"> <li>• Highway Use Development;</li> <li>• Additional roads and parking;</li> <li>• Additional sprinkler protection tanks; and,</li> <li>• Landscaping works</li> </ul>	<p><b>Stage 4</b> Stage 4 will include the following works:</p> <ul style="list-style-type: none"> <li>• Future subdivision of eastern allotment;</li> <li>• Bi retention swales;</li> <li>• Associated site civil works including benching and landscaping;</li> <li>• Associated Site infrastructure.</li> </ul>

Figure 10 below describes the changes from the approved to the proposed staging.



Approved Staging



Proposed Staging

Figure 10: Approved and Proposed Staging

## 6.0 REQUESTED MODIFICATIONS TO THE CONDITIONS OF CONSENT

As indicated, this submission is for the modification to the Approved Concept Plan. This will require the modification of the Definition for Concept Plan and Conditions No's. 1, 6, and 10 of the development consent.

The existing Concept Plan definition and the proposed modification to this definition are outlined below:

### *Existing Definition:*

Concept Plan	The Concept Plan for the proposed regional rail and rail freight terminal as described in the environmental assessment titled <i>Central West Regional Road/Rail Freight Terminal at Great Western Highway, Kelso, Bathurst</i> prepared by GSA Planning Pty Ltd and dated January 2006, and subsequently modified by the preferred project report prepared Mellor Gray
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The Modified Concept Plan Definition is stated, inter alia:

### *Proposed Definition:*

Concept Plan	The Concept Plan for the proposed regional rail and rail freight terminal as described in the environmental assessment titled <i>Central West Regional Road/Rail Freight Terminal at Great Western Highway, Kelso, Bathurst</i> prepared by GSA Planning Pty Ltd and dated January 2006, and subsequently modified by the preferred project report prepared Mellor Gray. Is now to be modified by Modified Concept Plan for the regional rail and rail freight terminal as described in the environmental assessment titled <i>Section 75W to the Concept Plan - Gateway Business at Great Western Highway, Kelso, Bathurst</i> prepared by GSA Planning Pty Ltd and dated December 2008.
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The existing Condition 1 and the proposed modification to this condition are outlined below:

### *Existing Condition*

#### **Consistency of Future Development**

1. The Proponent shall ensure that all development on the site is carried out generally in accordance with the:
  - a) concept plan (see Appendix A);
  - b) statement of commitments (see Appendix B); and
  - c) conditions of this approval.

The modified Condition 1 is stated, inter alia:

*Proposed Condition*

**Consistency of Future Development**

1. The Proponent shall ensure that all development on the site is carried out generally in accordance with the:
  - a) Modified Concept Plan (see Appendix A);
  - b) exiting statement of commitments (see Appendix B); and
  - c) conditions of this approval.

The existing Condition 6 and the proposed modification to this condition are outlined below:

*Existing Condition*

**'Staging**

6. Unless otherwise agreed by the Director-General, the Proponent shall implement the concept plan in accordance with the proposed staging of the concept. However, the following works must be carried out during Stage 1 of the concept plan:
  - (a) the proposed road works on the Great Western Highway, including the signalised intersection and primary site access works; and
  - (b) the proposed landscaping works along the Great Western Highway.

The modified Condition 6 is stated, inter alia:

*Proposed Condition*

**'Staging**

6. Unless otherwise agreed by the Director-General, the Proponent shall implement the concept plan in accordance with the proposed staging of the concept plan.

The existing Condition 10 and the proposed modification to this condition are outlined below:

### *Existing Condition*

#### **Operating Hours**

10. The Proponent shall ensure that all development on site complies with the operating hours in Table 1:

*Table 1: Operating Hours*

<b>Activity</b>	<b>Day</b>	<b>Time</b>
Construction	Monday – Friday	7am to 6pm
	Saturday	8am to 1pm
	Sunday and Public Holidays	Nil
Rail Sidings	Monday – Sunday	7am to 6pm
Containerised Goods Storage Areas Forklift Maintenance Facility Regional Terminal Warehousing	Monday – Friday	7am to 6pm
	Saturday	7am to 1pm
Highway Use Development Truck Service Station	Monday – Friday	5:00am to Midnight
	Saturday	6:00am to 6:00pm
	Sundays and Public Holidays	8:00am to 4:00pm
Service Station	Monday – Sunday	Anytime

The modified Condition 10 is stated, inter alia:

### *Proposed Condition*

#### **Operating Hours**

10. The Proponent shall ensure that all development on site complies with the operating hours in Table 1:

*Table 1: Operating Hours*

<b>Activity</b>	<b>Day</b>	<b>Time</b>
Construction	Monday – Friday	7am to 6pm
	Saturday	8am to 1pm
	Sunday and Public Holidays	Nil
Rail Sidings	Monday – Sunday	7am to 6pm
Containerised Goods Storage Areas Forklift Maintenance Facility Regional Terminal Warehousing	Monday – Friday	7am to 6pm
	Saturday	7am to 1pm
Highway Use Development Truck Service Station	Monday – Friday	5:00am to Midnight
	Saturday	6:00am to 6:00pm
	Sundays and Public Holidays	8:00am to 4:00pm
Service Station	Monday – Sunday	Anytime
Take away food outlets	Monday – Sunday	Anytime

## **7.0 STRATEGIC ASSESSMENT**

### **7.1 General**

This section will assess the suitability of the site in strategic terms with reference to relevant strategies for the region.

### **7.2 Bathurst Region Urban Strategy –2007**

The Urban Strategy was prepared by Bathurst City Council and adopted in May 2007. The aim of the Bathurst Region Urban Strategy is to provide a broad land use strategy to guide the future land management and development of the urban areas and urban villages for the Bathurst Regional Government Area. The Strategy identifies the economic, environmental and social opportunities for the management and development of the urban areas of the Bathurst Regional LGA and underpins strategic responses for each opportunity including recommendations for the comprehensive LEP. The Strategy also identifies sustainable urban growth opportunities.

While the site is currently zoned 1(a) Inner Rural, the Strategy is considered relevant insofar as it recommends rezoning the subject site to Service Business Zoning as part of a new LEP and also recommends setbacks and controls for the site. The dominant type of development in the Service Business Zone would include a range of service and bulky goods retail uses.

The proposed additional highway uses are service and bulky goods related uses. Although they are not contingent on a rezoning occurring as they are permissible under the current zoning (see Section 8.2.1) are compatible with the intended uses of the proposed zoning.

The Urban Strategy has recommended controls that seek to protect and enhance retail business amenity by preventing land use conflict between service business developments and competing uses. It also aims to protect the visual amenity of the City's gateways along major roads. Specifically, for land fronting a major road, the Urban Strategy requires a 20m wide land use buffer zone and 10m landscape component. For land adjoining a competing land use, the Urban Strategy requires a 40m wide land use buffer zone with 10m landscape component. Landscaping should include reasonable screening, mounding and setbacks.

In terms of the impact on the scenic gateway to Bathurst, the Modified Concept Plan provides an integrated approach to the design of the service business component which maintains a 20m wide building setback from the Great Western Highway with a 10m landscape component to soften its impact. Highway planting will be in accordance with Council's requirements, as indicated in the annexed landscape plans and report (see Annexures 4 and 5).

However, the Modified Concept Plan does not provide a 40m wide buffer to the neighbouring industrial zoned land to the east and west. Notwithstanding this, the proposed setbacks are not considered to conflict with the proposed site uses and the neighbouring site uses and as such, the proposed land use buffer is appropriate in this regard. This is discussed in detail in section 9.2 of this report.

The Strategy also recommends planning for the establishment of an open space corridor along the section of Raglan Creek, south of Sydney Road, in conjunction with the development of identified land opportunities for industrial and service business purposes. This Corridor should incorporate a walkway/cycleway to link Kelso and Raglan village and be not less than 40 m wide.

The Modified Concept Plan increases the size of the riparian corridor from 40m to 50m and improves the approval and complies with the requirement. The corridor does not include a walkway/cycleway. This is consistent with the Approved Concept Plan which does not provide for any such facilities.

Additionally, as is stated in section 10.5 below, the proposed rehabilitation measures, as part of the riparian corridor expansion, are likely to minimise further stream bank erosion and significantly enhance the environmental and aesthetic qualities of Raglan Creek within the subject site.

Accordingly the Modified Concept Plan improves upon the existing site conditions and is considered compatible with these issues, and is addressed in the following sections of this report and the annexed specialist consultant reports.

### **7.3 Bathurst Region Rural Strategy –2005**

The Rural Strategy was prepared by Bathurst City Council and placed on exhibition on 22 December 2006. Council has resolved to defer consideration of the Draft Bathurst Region Rural Strategy until after the decision of the State Government Inquiry into Rural Land Use Planning is handed down.

This Strategy recommends the protection of prime agricultural land from fragmentation and conversion to non-agricultural uses. However, it is has been recognised as part of the Approved Concept Plan that the subject site does not fall within this category.

The paper also identifies environmental issues, including the need to consider and map existing forestry lands and identify those lands that may be suitable for new softwood forests. This recognition anticipates a growth of the forestry industry in the region, which is likely to generate further demand for appropriate transport infrastructure.

The paper also recognises the importance of the scenic quality of the rural environment and its contribution to the tourist attractions of the area. This issue has been considered for the subject site in terms of its contribution to the visual quality of the approach to Bathurst from the east.

The site is no longer highly suitable for commercial agricultural purposes, and is strategically located to well serve surrounding industrial and business service land uses, as recognised in the Bathurst Regional Urban Strategy. However, the site's contribution to the visual quality as part of the approach to Bathurst is recognised in the Modified Concept Plan.



## 8.0 PLANNING CONTROLS ASSESSMENT

### 8.1 General

This section will assess the relevant State and Local Government statutory and policy documents.

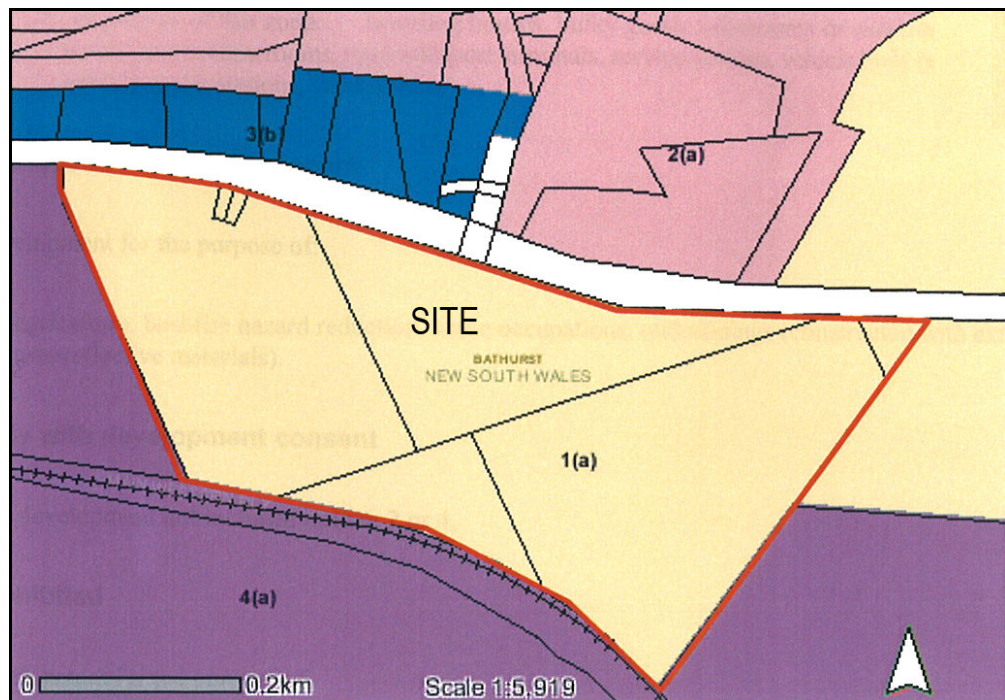
### 8.2 Assessment of Local Government Requirements

The relevant Local Government Statutory and Policy documents applicable to the site are as follows:

1. Bathurst Region (Interim) Local Environmental Plan (LEP) 2006; and,
2. Bathurst Regional Council Development Control Plan (DCP) – Rural Lands 2005.
3. Bathurst City Council's Off-Street Car Parking Code (Car Parking Code) 1986.
4. Bathurst City Council's Development Control Plan (DCP)- Business Development

#### 8.2.1 Bathurst City Council Local Environmental Plan (LEP) 1997

As indicated, the site is within the 1(a) Inner Rural Zone pursuant to the Bathurst City Council Interim LEP 2006, which was gazetted on 13 March 2006 (see Figure 11). The site does not contain any heritage items and is not within a heritage conservation area.



**Figure 11: Zoning Plan – Draft Interim LEP 2004**

## Objectives

The objectives of Zone 1(a) primarily include providing a range of compatible land uses and protect or conserve the scenic environment, identified remnant bushland and valuable deposits. The objectives of the zone are stated inter alia:

- '(1) The objectives of the zone are as follows:
  - (a) to support and maintain the continued viability of agricultural development in rural areas located near the urban fringe areas of Bathurst,
  - (b) to enable development that is appropriate for broad acre productive land used for grazing and cropping to be carried out,
  - (c) to provide for a range of compatible land uses to be carried out on land within the zone that are in keeping with the rural character of the locality and do not unnecessarily convert prime crop and pasture land to non-agricultural land uses,
  - (d) to protect and conserve the scenic environment by controlling the location of buildings and materials used, particularly in development adjacent to a major road or located within a scenic protection area or within an identified remnant bushland area,
  - (e) to protect and conserve valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development to enable the efficient extraction of those deposits.'

## Permissibility

As indicated, the proposed modification introduces two new uses: motor showrooms and take away food outlets. They are not listed as prohibited uses within Clause (4) of the Zone 1 (a) Inner Rural Zone and permissible subject to development consent.

As the site is inappropriate for use as agricultural land and has approval for similar bulky goods and services uses to the Great Western Highway, its is considered that the proposed uses are compatible with the zoning objectives and permissible within the zone. This is further discussed in section 9.3 of this report.

## Subdivision

It is proposed to subdivide the site into 23 allotments ranging in size from 2,700m<sup>2</sup> for Lot 3 to 131,582m<sup>2</sup> for the Intermodal Terminal (see Annexure 1). Clause 6 of the LEP provides the general requirements for subdivision and states inter alia:

- (1) Despite the zoning control table, a person must not carry out subdivision without the consent of the consent authority.
- (2) The consent authority may grant consent to the subdivision of land within Zone No 2 (a) only if all necessary services, particularly water, sewerage and drainage services, that will be required for use of the land after that subdivision will be available to the land immediately after the subdivision.

- (3) Nothing in this plan prevents consent being granted to the subdivision of land along a zone boundary if:
- (a) at least one of the lots created by the subdivision is intended for future residential, business or industrial development, and
  - (b) the consent authority is satisfied that there are no constraints (such as a lack of water, sewerage and drainage services) preventing the subsequent development of that lot for residential, business or industrial purposes.

Clause 27 of the Bathurst Interim LEP relates to subdivision in rural zones and states inter alia:

- (1) The consent authority must not consent to an application for consent to subdivide, for the purposes of agriculture, land within one of the zones specified in the Table to this subclause unless each of the lots to be created by the proposed subdivision will have at least the minimum area set by the Table for a lot in the zone concerned.

**Table**

<b>Zone No</b>	<b>Minimum area per lot</b>
1 (a)	200 ha
1 (b)	20 ha
1 (c)	1 ha
1 (d)	200 ha
1 (e)	100 ha

- (2) Despite subclause (1), the consent authority may grant consent to an application for consent to subdivide land in Zone No 1 (c) to create a lot of not less than 0.4 hectare if the lot is to be connected to the Council's sewerage reticulation and water reticulation systems and is not located on land identified on the land use map by red hatching and the words "50dBA Noise Contour".
- (3) Despite subclause (1) (but subject to subclause (2)), the consent authority may grant consent to an application for consent to subdivide land so as to create lots of less than the minimum areas specified in the Table to subclause (1) if the consent authority is satisfied that each such proposed lot is intended otherwise than for use for the purpose of agriculture or a dwelling-house.
- (4) Despite subclause (1), the consent authority may grant consent to an application for consent to subdivide land so as to create one or more lots in Zone No 1 (a), 1 (d) or 1 (e) of less than the relevant minimum area specified in subclause (1) (but not less than 20 hectares) if the consent authority is satisfied that each such proposed lot is intended for use for the purpose of intensive agriculture.
- (5) The consent authority must not grant consent to an application referred to in subclause (4) unless the consent authority has considered a property development plan that will enable the consent authority to fully consider the impact of the subdivision on the agricultural output of the land, and the consent authority is satisfied that:
- (a) the land will be used for the purpose of intensive agriculture, and
  - (b) the subdivision will not significantly reduce the agricultural viability of the land from which the proposed lots are to be excised, and

(c) the subdivision will permit proper soil conservation management practices that will ensure the long-term suitability of any intensive agricultural pursuit.

The proposed subdivision is for business and industrial uses and is not for intensive agricultural purposes or a dwelling house. Services such as sewer water and drainage are also available. Subdivision is therefore permissible with development consent. This is further discussed in section 9.4 of this report.

### **8.2.2 Bathurst Regional Council Development Control Plan (DCP) – Rural Lands**

Council's Development Control Plan (DCP) – Rural Lands, which was adopted on 20 April 2005, is applicable to the site. The relevant aims and objectives of the DCP include:

- to protect the economic viability of rural and agricultural enterprises;
- to ensure that the social, environmental and economic impacts of a development proposal are considered;
- to ensure that legal physical access is available to land;
- to ensure that significant flora and fauna habitats are protected;
- to ensure that each site has capacity to dispose of effluent with minimal environmental effects;
- to ensure that land is developed in a manner which is compatible with the physical constraints of the site;

The DCP contains controls for the siting of buildings, road works, effluent disposal, water supply, fire protection, fences / entrances and environmental considerations. The Approved Concept Plan was considered to be consistent with the requirements of the DCP. Accordingly, it is considered that the Modified Concept Plan is consistent with the DCP and that further applications for approval will be consistent with the DCP objectives and accord with the DCP Controls.

### **8.2.3 Bathurst City Council's Off-Street Car Parking Code 1986**

Bathurst City Council's Off-Street Car Parking Code (Car Parking Code) came into force on 1 January 1987. The Car Parking Code contains carparking rates for a number of uses.

As indicated, a Traffic Report has been prepared by Colston Budd Hunt and Kafes, which concluded that parking spaces for future developments would comply with the Council Car Parking Code and RTA guidelines (see Annexure 11).

### **8.2.4 Bathurst City Council's Development Control Plan (DCP)- Business Development**

Bathurst City Council's Development Control Plan Business Development came into force on 13 April 2006. The DCP applies to all land zoned 3(2) General Business and 3(b) Service Business under the Bathurst Interim Local Environmental Plan 2005 and does not apply to the subject site.

Notwithstanding this, there are no relevant planning controls for Bulky Goods Retailing within the 1(a) Inner Rural Zoning and the site is recommended for rezoning to 3(b) Service Business in the Bathurst Urban Strategy 2007. Although this DCP does not currently apply to the site, it will be applicable once the site is rezoned. References to the applicable DCP controls have been included in Section 9 of this report.

## 8.3 Assessment of State Government Requirements

### 8.3.1 Environment Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2004

#### Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 No.43

Section 75W of the EP & A Act lists the requirements for modifying a Concept Plan under Part 3A of the Act. Section 75W states, inter alia:

- (1) In this section:  
**Minister's approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.  
  
**modification of approval** means changing the terms of a Minister's approval, including:
  - (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
  - (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.
- (2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.
- (5) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- (6) Subsection (5) does not apply to a request to modify:
  - (a) an approval granted by or as directed by the Court on appeal, or
  - (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.
- (7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

The proposal is to modify a Concept Plan approval under the above Section of Part 3A of the Act. The proposed modifications to the Approved Concept Plan require a Section 75W Modification under the Act as:

- The proposed modifications alter the building footprints, building layout and building use mix of the Approved Concept Plan;
- Introduce new uses including proposed Motor Vehicles Showroom;
- Alter the approved staging of the Concept Plan; and
- Require changes to the Conditions of Consent.

This has been confirmed by Officers of the Department of Planning during the two meetings held on 5 June and 24 October 2008.

### **8.3.2 SEPP Major Projects**

SEPP Major Projects is applicable to the site under either Schedule 1 Group 4 (12) and or Schedule 1 Group 8 (23) of the EP&A Act. These are stated inter alia:

#### **‘12 Distribution and storage facilities**

Development for the purpose of container storage facilities, or storage or distribution centres, with a capital investment value of more than \$30 million.

#### **23 Rail and related transport facilities**

- Development that has a capital investment value of more than \$30 million for the purpose of:
  - a) Heavy railway lines associated with mining, extractive industries or other industry, or
  - b) Railway freight facilities or inter-modal terminals.’

SEPP Major Projects requires a development assessment and approval process under Part 3A of the EP&A Act. Accordingly, the assessment of the proposed Concept Plan has been undertaken under PART 3A of the EP&A Act.

### **8.3.3 SEPP No. 33 – Hazardous and Offensive Industries**

The SEPP applies in so far as it relates to activities permissible within the zone. These would include storage establishments for goods, materials or products that have the potential to be hazardous or offensive within the meaning of the SEPP. This means that although measures have been taken to minimise risk or polluting discharges, the proposed establishment would still pose a significant risk or have the potential for a significant impact on the locality or on future development in the locality.

As with the Approved Concept Plan, the Modified Concept Plan does not propose activities that would fall within this category and future buildings that may accommodate such activities would be subject to further approvals. As indicated, future applications for approval would need to demonstrate compliance in respect to the management of dangerous and hazardous goods and would need to comply with any consideration required under the SEPP, in respect of hazardous or offensive development.

### 8.3.4 SEPP No. 55 – Remediation of Contaminated Land

The aim of this SEPP is to provide a state wide planning approach to the remediation of contaminated land and reduce the risk of harm to human health or any other aspect of the environment. The plan requires a planning authority not to approve a development unless consideration is given to whether the land is contaminated.

As part of the Concept Plan approval, a preliminary Contamination Study was undertaken and concluded that there is moderate to low risk of asbestos contamination potentially deriving from past land uses at the Muldoons Quarry site. However, the Report further states that the risk will be reduced with favourable results from analysis of two topsoil samples for nutrients, cations and heavy metal. For the Reddy's Orchard site, the Report concludes that there is negligible to very low risk of contamination potentially deriving from past orcharding land uses. Accordingly, the site is considered to have negligible to low risk of contamination, subject to compliance with the recommendations. The site is not considered to have a level that would prevent the safe development of the site.

As part of the proposed modification to the Concept Plan, a Supplement to the Contamination study has been submitted (see Annexure 9). The supplement concludes that there are no contamination issues relating to the proposed modification from the Reddy's Orchid Site. However, it identifies two potential contamination issues at the Muldoon's Quarry Site. These are stated, inter alia:

'Muldoon's Quarry (19.7 ha: Annexure 10), had minimal contamination north and east of the bisecting seasonal creek. South of the creek, two potential contamination issues relate to the proposed modification:

1. Asbestos – Test pits 5, 6, 7 12 and 14 corresponding to Lots K, L and M
2. Groundwater – Bore at the former Ingersole's corresponding to Lot F'

The supplement recommends that in relation Issue 1 Asbestos that: *'Weathered granite be sourced from high ground at the north east portion of the proposed development, east and south of proposed Lot 9.*

In relation to Issue 2 Groundwater the supplement recommends the proposal: *'Consider utilizing native heavy reddish brown clay subsoil from cutting of native weathered granite for sealing of the pond.'*

Accordingly, the site and the future development will comply with SEPP No.55, subject to incorporating the recommendations in the contamination report and supplement.

### 8.3.5 SEPP No. 64 - Advertising and Signage (including Advertising)

SEPP64 applies to all signage that is visible from any public place or public reserve and in proximity to classified roads.

As with the Approved Concept Plan, the Modified Concept Plan recognises that signage will be incorporated into future applications for approval, commencing with Stage 1. Future development will comply with SEPP No. 64 and any specific requirements for signage under the Bathurst Regional Council Controls.

### 8.3.6 SEPP Infrastructure (2007)

The Modified Concept Plan incorporates a drive-in takeaway food outlet and motor showroom with a capacity of 50 or more vehicles and with site with access to classified road or to road that connects to classified road (if access within 90m of connection). SEPP Infrastructure requires the Consent Authority to take into consideration inter alia:

- (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and
- (ii) the accessibility of the site concerned, including:
  - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
  - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- (iii) any potential traffic safety, road congestion or parking implications of the development.

The majority of site access issues were addressed in the Director General's Environmental Assessment Report. In light of the proposed changes an updated Traffic Report has been prepared by Colston Bud Hunt and Kafes (see Annexure 13). The Report assesses the likely traffic generation and parking demand from future development as a result of the proposed modifications and concludes that the proposed modified traffic arrangements are appropriate. These issues are further discussed in Sections 10.2 and 11.5 of this report.

## 8.4 Assessment of Other Statutory Requirements

### 8.4.1 Threatened Species Conservation Act, 1995 Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act

The Threatened Species Conservation Act aims to conserve biological diversity and protect inter alia:

*"threatened species, endangered populations or communities and their habitats."*

The Approved Concept Plan was accompanied by a detailed Flora and Fauna assessment report. The report states that no threatened flora or fauna species were recorded on the site. As indicated an 'Eight Part Test' has been undertaken as part of the flora and fauna assessment. The report concludes that the proposed Road/Rail Freight Terminal is unlikely to result in a significant impact to threatened species, populations or ecological communities, or their habitats that have been identified in the region.

As part of the proposed modification to the Concept Plan a supplement to the Flora and Fauna Assessment has been submitted (see Annexure 9) which states: *'that the modification to the concept plan is not likely to have any significant impact upon threatened species, populations or ecological communities'*.

Accordingly, the Modified Concept Plan will be consistent with the Threatened Species Conservation Act. Similarly it will satisfy the Commonwealth EPBC Act 1999.



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#### **8.4.2 Disability Discrimination Act 1979**

The aims of the Disability Discrimination Act are to provide equity of access in new developments. The Concept has been designed so that future applications will be able to provide access for people with disabilities in a manner consistent with the various legislation, policies and standards. Accordingly, future development will be consistent with the Disability Discrimination Act, 1979.

#### **8.4.3 Proposed Amendments to the Orana Regional Environmental Plan (REP) No. 1 – Siding Spring**

As with the Approved Concept Plan the Modified Concept Plan will incorporate measures to ensure that night-time lighting can be controlled to minimise levels of light spill/glow and avoid adverse impacts on the Dark Skies Region as well as nearby residential areas and adjacent land uses. An external lighting plan, consistent with the requirements of AS 4282 – 1997: Control Obtrusive Effects of Outdoor Lighting, will be included in project applications for each stage of the Concept Plan.

## 9.0 KEY ISSUES

### 9.1 General

This section will assess the key planning issues raised by the proposed modification to the Approved Concept Plan.

### 9.2 Additional Uses

As indicated, the proposed modification introduces two new uses: motor showrooms and take away food outlets. These are not listed as prohibited uses within the zone in accordance with Clause (4) of the Zone 1 (a) Inner Rural Zone.

With relation to permissibility Clause 3 of Section 6 of the LEP states inter alia:

- '(3) Consent must not be granted to the carrying out of development within a particular zone unless the consent authority has taken the objects of the zone into account and:
  - (a) is satisfied that the proposed development is consistent with one or more of those objects, or
  - (b) if the proposed development is development of the kind that is identified by this plan as usually not consistent with those objects is satisfied that, in the particular circumstances of the case, it is appropriate that the proposed development be carried out.'

Clause (2) of the Zone 1 (a) Inner Rural Zone states inter alia:

- '(2) Development for the purpose of the following is usually not consistent with the objectives of this zone:
 

*boarding houses, bulky goods salesrooms or showrooms, generating works, motor showrooms, road transport terminals, service stations, vehicle body repair workshops, vehicle repair stations, warehouses.'*

The proposed motor showroom and take away food outlet uses are considered to satisfy the objectives of the LEP and are appropriate within the site context for the following reasons.

Firstly, as part of the Concept Plan Approval, highway frontage uses have been approved, which include rural produce supplies, bulky goods warehousing and a service station. The motor showroom use is not that dissimilar to the approved bulky good retailing and requires large areas for display of goods. Similarly, the proposed takeaway food outlets are not dissimilar to the service station use as it will cater to passing traffic in much the same way as the service station. Accordingly, the proposed uses are compatible with the approved highway uses.

Secondly, the site was used for a small slaughter house, grazing of stock and granite quarry, which was established in 1974 and resulted in removal of top soil. Based on the history of previous uses, the site is not considered to have good capability for agriculture. Hence the proposed motor showroom and take way food outlet will not unnecessarily convert prime crop and pasture land to non-agricultural land uses.

Thirdly, the proposed uses are located well away from the Great Western Highway to protect and conserve the scenic environment along the highway. Furthermore, the proposed landscaping will enhance the scenic environment along the highway.

Fourthly, the site has been used for granite quarrying. The site is not considered a source of valuable deposits of minerals, coal, petroleum and extractive materials.

Finally, the site is to be rezoned to Service Business, which the dominant type of development in the Service Business Zone would include a range of service and bulky goods retail uses. The proposed additional highway uses are service and bulky goods related and are compatible with the intended uses of the proposed zoning.

Accordingly, we are of the opinion that the additional uses are consistent with objectives (a) (c) (d) and (e) of Zone 1 (a) Inner Rural and hence permissible with consent pursuant to the LEP. The proposed additional uses are also consistent with the proposed rezoning to Service Business Zone.

### **9.3 Changes in Built Form and Riparian Corridor**

As indicated the proposed modification will result in changes to the built form of the approved development. Overall the warehousing and hardstand area will retain a similar massing and positions while the massing of the highway uses will be broken into nine building elements.

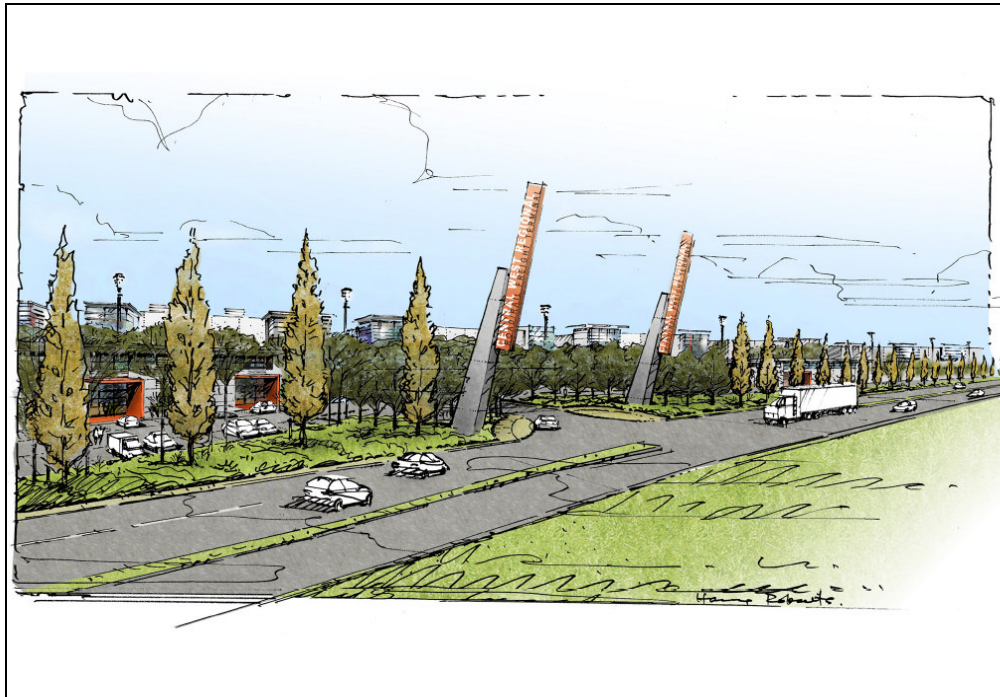
Highway uses will retain the approved 10m height limit whilst the regional warehouse uses 15m.

Landscaped screening devices, including the Lombardy Poplars and storm water control mechanism in combination with the 10m landscape setback and 20m building setback to the Great Western Highway, will further reduce the development's perceived visual impact upon the streetscape of the Great Western Highway. The result is a less visually intrusive development than the approved Service Business developments to the north of the Great western Highway (see Figure 12 on the following pages).

Internally, the 5 m setback from the internal service roads will provide further separation between buildings within the site and greater opportunities for landscaping. The introduction of a larger riparian corridor will provide further separation between the individual uses and reduce the visual impact of the intermodal terminal on the surrounding area. The proposed rehabilitation of the Raglan Creek will further enhance the development of wildlife corridor in the region and create vegetation communities and habitat for the area (see Figure 13 on the following pages). Additionally the proposed rehabilitation measures proposed as part of the riparian corridor expansion are likely to minimise further stream bank erosion and significantly enhance the environmental and aesthetic qualities of Raglan Creek within the subject site (see Section 10.5)

It is therefore considered that the Modified Concept enhances the spatial relationship between future built elements and the landscape, as well as the indicative building envelope. Future applications for individual buildings will accord with the Concept. The architectural character of industrial buildings will harmonise and will be suitable for their function and location. The materials, finishes and colours of the proposed buildings will be sympathetic to the surrounding development in order to minimise their visual impacts.

Accordingly it is considered that the proposed Modification to the Concept Plan is consistent with the Approved Concept Plan and will provide a better built form due to the revised storm water, landscape and building massing. This is further discussed in section 11.3 of this report.



**Approved Highway Uses**



**Proposed Highway Uses**

***Figure 12: Photomontages Highway Uses***



**Approved Warehouse Uses**



**Proposed Warehouse Uses**

***Figure 13: Photomontages Warehouse Uses***



## 9.4 Building Setback

Under Section 5.2.7 of Council's Urban Strategy 2007, Strategic Objective 3(a) recommends a 20m wide land use buffer zone and 10m landscape component for land fronting a major road. For land adjoining a competing land use, the Urban Strategy requires a 40m wide land use buffer zone with 10m landscape component. Landscaping should include reasonable screening, mounding and setbacks.

This recommendation is prefaced by inter alia:

'Prepare and adopt appropriate development controls that seek to prevent land use conflict between service business development and competing uses (including residential, rural residential, rural and industrial uses) and that seek to protect the visual amenity of the City's gateways along major roads. Specifically require the following.....'

The Modified Concept Plan maintains a 20m building setback from the Great Western Highway with a 10m landscape component, which will contain appropriate screening, mounding and bio retention swales. This is in accordance with the recommendation (see Figure 14 on the following page). However, under the Modified Concept Plan, the building in Lot 1 and part of the building in Lot M will be within the 40m wide buffer land use buffer zone. The buildings do not provide a 10m wide landscape component. The proposed setbacks are considered to be appropriate for the following reasons:

Firstly, the proposed development will comply with the height and setback requirements contained in the Bathurst DCP for Business Development. Although this DCP does not currently apply to the site, it will be applicable once the site is rezoned in accordance with the Concept Approval. This is the relevant DCP for this type of development and the Urban Strategy merely provides a recommendation.

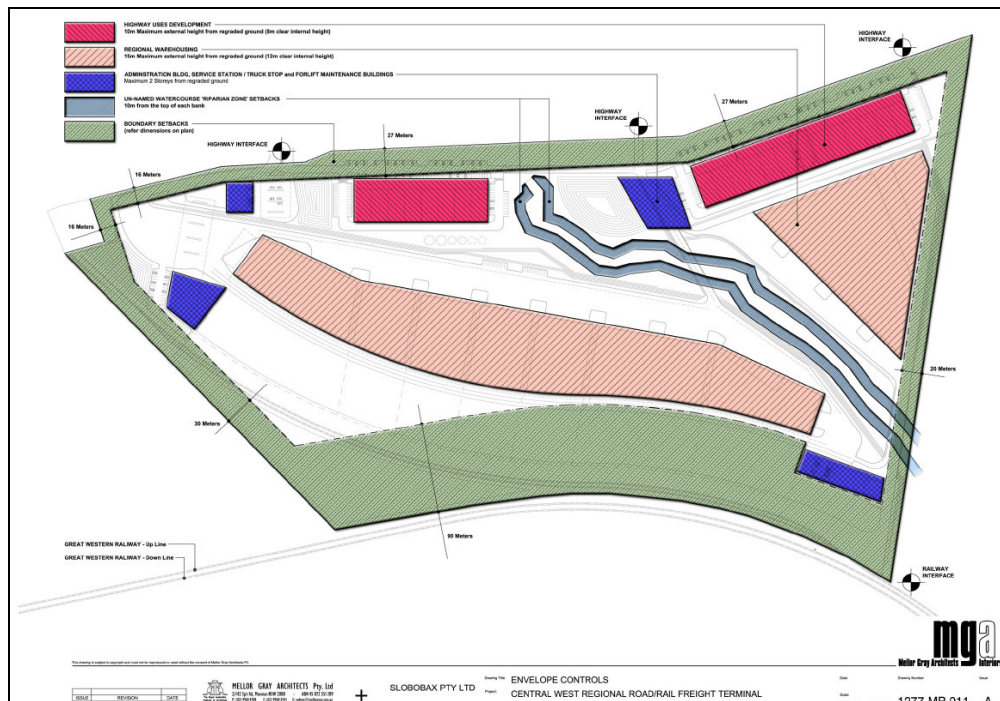
Secondly, the neighbouring site to the east at Lot 32 DP870672 is vacant land currently used for agricultural purposes and the site to the west is No. 139 Sydney Road (Lot 1 DP815463), contains a food processing complex owned by Devro Pty Ltd. In particular, the use to the west is manufacturing and is not residential. The type of building in Lot 1 is not dissimilar to the type of building form of the building to the west. Similarly, with a building height of 10m, this is not dissimilar to the height of a shed for machinery for agricultural purposes that could be erected on the agricultural site. On this basis, it is considered that the proposal will not result in a land use conflict or adversely affect the amenity, development potential or visual amenity of the adjoining properties.

Thirdly, the approved Concept comprises container storage within the recommended setback, both to the east and the west. The buildings that will encroach upon this setback are a similar distance to the side boundary as the approved stacked containers. The proposed buildings comprise a far better visual presentation and relationship with the adjoining uses than the already approved containers.

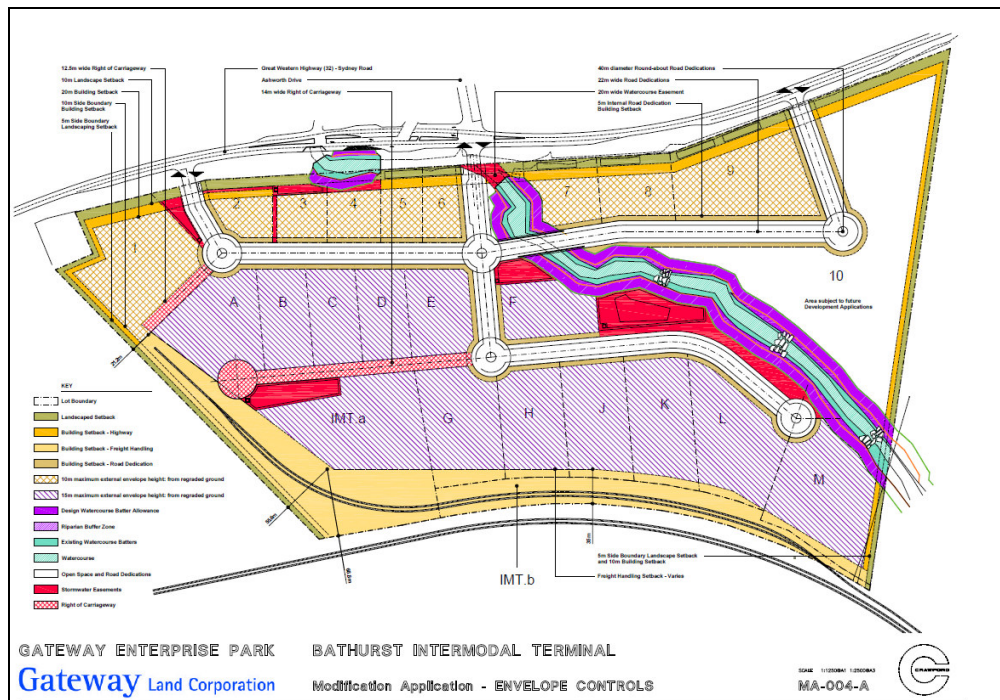
Fourthly, the areas of encroachment are not considered to be significant given the length of the eastern and western boundaries. The areas of encroachment comprise a small proportion of the boundaries, with the remainder of the built form being well outside the 40m zone.

Finally, the Modified Concept Plan provides a similar landscape setback as the Approved Concept Plan which will soften the appearance of the proposed buildings.

Accordingly, it is considered that there will be no conflict between the proposed site uses and the neighbouring site uses and as such, the proposed land use buffer is appropriate in this regard.



## Approved Building Envelope



## Proposed Building Envelope

**Figure 14: Building Envelope**



## 9.5 Subdivision

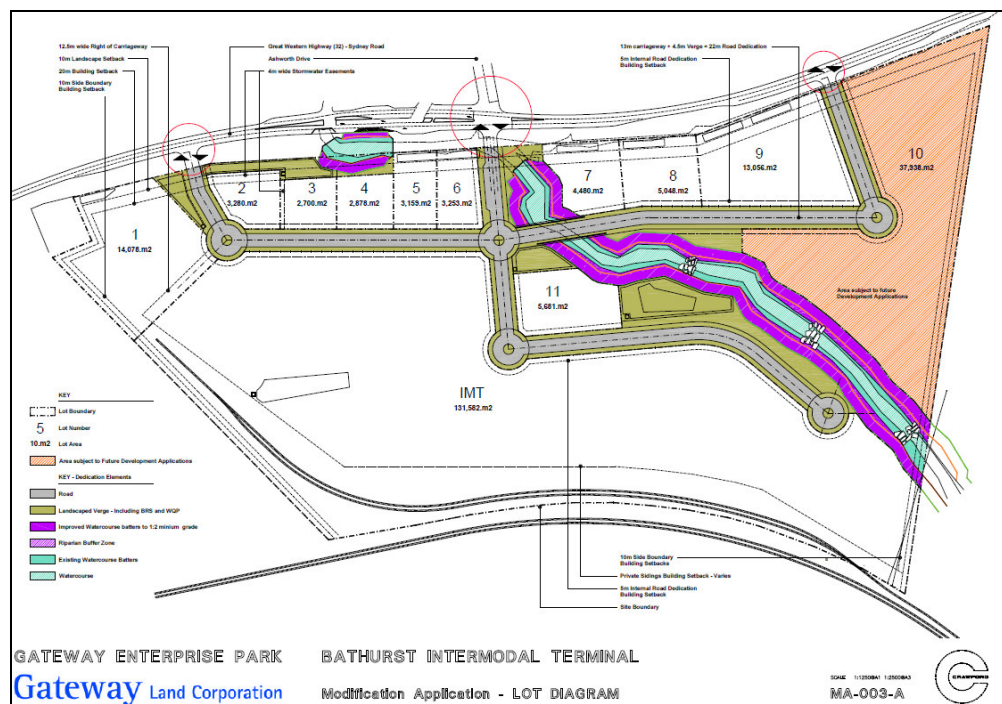
It is proposed to subdivide the site into 23 allotments ranging in size from 2,700m<sup>2</sup> for Lot 3 to 131,582m<sup>2</sup> for the intermodal terminal (see Figure 15 and Annexure 1). Subdivision is considered to be appropriate for the following reasons:

Firstly, it is permissible subject to development consent. Secondly the approval of the Concept Plan has effectively acknowledged that the site is not prime agricultural land and will not be used for agricultural purposes after the construction of the intermodal terminal, warehouse and highway uses.

Thirdly, subdivision of the site will allow for the intermodal terminal and warehousing to remain financially independent of the proposed highway uses.

Finally, the site is to be rezoned for business purposes and the proposed subdivision will allow for the allotments to be sold, therefore allowing for their continued financial viability.

Accordingly, it is considered that the proposed subdivision of the Modified Concept plan is appropriate.



**Figure 15: Subdivision Plan**

## **10.0 ENVIRONMENTAL ENVELOPE ASSESSMENT: ON-SITE**

### **10.1 General**

This section will provide an assessment of the key on-site environmental aspects of the proposed Road / Rail Freight Terminal. In particular, this section will assess the site access, built form, flora and fauna impact. It will also assess indigenous and cultural heritage, hydraulics and services, soil contamination, potential hazard and risk, and waste management.

### **10.2 Access Assessment**

The Modified Concept Plan provides for suitable access and movement throughout the site for rail vehicles and pedestrians. The proposed modification will provide for rail access to the site for the loading and unloading of goods and will accord with an ARTC agreement and the various statutory and industry guidelines that govern such activities, as discussed in the accompanying Rail Operations Report.

As discussed in the amended Traffic Report, the modification will maintain the three access points for vehicular access, introduce a new left turn in to the eastern most access and introduce the new internal road layout in accordance with the relevant standards. The site will have service roads for the manoeuvring and movement of trucks within the site based on a maximum design capacity as discussed in the accompanying Traffic Report (see Annexure 13).

In addition, the Modified Concept Plan will provide access for people with disabilities in accordance with various legislation, policies and standards and will be consistent with the Disability Discrimination Act, 1979.

### **10.3 Built Form**

As with the Approved Concept Plan, the modified Concept Approval will be followed by a further application for works in accordance with Stage 1. The design of the future development will conform to the building envelope controls and relevant BCA requirements. Issues relating to the built form have been discussed in section 9.3 above.

### **10.4 Flora and Fauna Assessment**

As indicated, a supplement to the Flora and Fauna Assessment has been undertaken by Geolyse Pty Ltd, which outlines the existing flora and fauna on the site (see Annexure 9). A summary of the flora and fauna identified in that assessment concludes, inter alia:

‘This review confirms that there have been no new sightings/recordings of endangered/threatened species at the site since 2005, and that none of the species observed on-site in April 2005 have since been assigned conservation status through listing in the Schedules of the TSC Act or EPBC Act.

A component of the Flora and Fauna Assessment undertaken in 2005 included an 8-part test of significance on seven species identified as having the potential to occur within a 10 km radius of the site. It was concluded that the development of the site was unlikely to result in a significant impact on any of these threatened species, populations or ecological communities, or their habitats. Subsequent changes to legislation and the more recent 7-part test of significance does not change this conclusion.

It is therefore concluded that the proposed modification to the concept plan approval (No: 05\_0047) is not likely to have a significant impact on any threatened species, populations or ecological communities, or their habitats.'

Accordingly, based on the flora and fauna assessment, the Modified Concept Plan is not likely to have a significant impact on the flora and fauna of the study area.

## 10.5 Hydrological Stormwater Flooding and Riparian Assessment

As part of the Modified Concept Plan a Stormwater, Flooding and Riparian Corridor Assessment has been prepared Worley Parsons Resource and Energy (see Annexure 12).

The objectives of this study were to assess the catchment hydrology to determine peak flows at the site and determine the likely impact of the proposal, assess the flood behaviour over the site, establish flood mitigation measures, develop a stormwater management strategy, assess the existing state of the water courses within the site, and develop a conceptual riparian corridor management strategy.

### 10.5.1 Hydrologic Assessment

As stated in the Stormwater, Flooding and Riparian Corridor Assessment, a hydrologic assessment was undertaken to determine the existing and developed hydrological conditions and quantitatively assess the impact of the proposed development on the local and regional hydrology (see Annexure 12). The assessment considered the catchments as a whole, and adopted the culverts under the Great Western Highway as a point of reference for comparison of pre and post development hydrological results.

The key results from the hydrologic assessment are stated inter alia:

- 'Modelling indicates that the introduction of impervious surfaces could potentially increase peak flows from the proposed development area by an estimated 3.2m<sup>3</sup>/s frequently occurring storm events (*i.e.* 2 year ARI) and approximately 6.0m<sup>3</sup>/s for less frequent events (*i.e.* 100 year ARI).
- 20mm of retention storage per unit area of impervious surfaces is required to mitigate the increase in peak runoff flow rates and volume during the high return period events, such as a 2 year ARI storm. This would contribute to maintaining the naturalised flow regime in Raglan Creek, reducing the potential for erosion of the water course.
- Comparison of peak flows at the New England Highway Culverts (*immediately downstream of the proposed development area*) indicates that the proposed development would result in a marginal increase in peak flows by approximately 1 to 2% for a range of return period storm events. This marginal increase in peak flows occurs because the proposed mitigation measures would hold water, releasing a small portion of it when the peak flow from the upstream catchment reaches the site. This situation is unavoidable given the proximity of the development site in the greater Raglan Creek Catchment. Notwithstanding, the benefits of the mitigation measures in managing low return period flows (*which would reduce the erosion potential in the downstream watercourse*) are considered paramount to a 1 to 2% increase in peak flows during a major storm event.'

Accordingly, the findings of this assessment have been considered as part of the Modified Concept Plan's design and incorporated the Stormwater Management Strategy and Riparian Corridor Management Strategy for the site.

### 10.5.2 Flood Assessment

As stated in the Stormwater, Flooding and Riparian Corridor Assessment, a flood assessment was undertaken to determine the 100 year ARI flood extent and flood planning levels within Raglan Creek (see Annexure 12). The conclusion and recommendation to the Flood Assessment are stated, inter alia:

‘The Hydraulic modelling indicates that the peak 100 year ARI flood level is generally 1 to 2m below the top of bank. Hence, no out of channel flooding would be expected. This is typical of water courses which are significantly incised. Average cross-sectional velocities ranged between 1 to 2m/s, depending on the channel grade and cross section geometry. Long sections of both the existing state and developed state models are presented in **Figure 6**.

Modelling indicates that the existing culverts under the Great Western Highway have an estimated 20 year ARI capacity and would likely overtop during a 100 year ARI event.

It is recommended that a minimum freeboard of 1m be applied above the predicted flood level. This freeboard is greater than the minimum freeboard of 500mm specified in the NSW Floodplain Development Manual. Recommended flood planning levels at each cross section are specified in **Figure 6**.

Additionally, it is recommended that overland flow paths be provided above the culverts. This would allow flood water to spill over the culverts in a controlled manner in the unlikely event of a significant culvert blockage or a flood in excess of a 1 in 100 year ARI flood event.’

Accordingly, the findings of this assessment have been considered as part of the Modified Concept Plan’s design and incorporated the Stormwater Management Strategy and Riparian Corridor Management Strategy for the site.

### 10.5.3 Stormwater Management

As stated in the Stormwater, Flooding and Riparian Corridor Assessment, a Stormwater Management Plan has been produced with the objectives of reducing the water quality impacts of the Modified Development on the downstream watercourse and receiving waters in accordance with *Australian Runoff Quality* and current best management practice (see Annexure 12).

The Stormwater Management Plan controls are stated, inter alia:

- **Gross Pollutant Traps:** It is proposed to provide Proprietary Gross Pollutant Traps (*GPT*’s) at the end of piped drainage systems. The *GPT*’s would remove litter and coarse to medium sized sediment. The *GPT*’s would significantly reduce the sediment load entering into the downstream water quality controls. This would result in significantly increased lifespan of the downstream controls, reducing the long term maintenance costs.
- **Bio-Retention Basins:** It is proposed to construct bio-retention basins downstream of the *GPT*’s. Bio-retention basins would consist of vegetated areas with enhanced filtration media which would typically be 500-600mm deep. Filtered stormwater would be collected in an underlying subsurface drainage system and directed into the main channel. The 20mm required retention storage would be provided above the filter media through temporarily ponding water up to 400 to 700mm deep over the filter media.
- **Water Quality Control Pond:** It is proposed to construct a water quality control pond (*WQCP*) as part of the proposed development (*this will treat stormwater which doesn’t get treated in bio-retention basins*). This pond

would be offline to Raglan Creek and would provide water quality control for runoff from the adjacent proposed commercial areas. The WQCP would provide enhanced removal of sediment, nutrients and other contaminants through biological, chemical and physical processes. The WQCP would also provide the 20mm of retention storage required for water quantity control.'

Accordingly, the Stormwater Management Plan and Modified Concept Plan Design will introduce measures to reduce the water quality impacts of the Modified Development on the downstream watercourse and receiving waters in accordance with *Australian Runoff Quality* and current best management practice.

#### 10.5.4 Riparian Corridor Assessment

As stated in the Stormwater, Flooding and Riparian Corridor Assessment, an assessment of the Raglan Creek and its tributaries was undertaken and Creek Rehabilitation Strategy developed (see Annexure 12). The key findings of this assessment are stated, inter alia:

- 'Both channels are significantly incised with head cuts between 2 to 3m deep. During a site inspection the channel banks were observed to be near vertical and un-vegetated in places. This indicates that the channel is not currently stabilised and further bed lowering and widening is likely.
- The channels are densely vegetated with non-indigenous flora, particularly Willows and Blackberries.'

Based on the assessment of existing conditions and considering the development proposal, it is proposed to pipe the Minor Watercourse (tributary to Raglan Creek) along the western boundary of the site. Maintaining an open channel watercourse would potentially risk the structural integrity of the Great Western Highway and impose possible public safety risks as well as significant constraining the development proposal.

In addition, a Creek Rehabilitation Strategy was developed for Raglan Creek. The key features of this Strategy are stated, inter alia:

'Removal of all exotic flora from within the channel and designated riparian corridor in a staged manner, including the retention of poisoned willow root systems.

Establishment of a riparian corridor with an approximate 40 to 50m width. The corridor would be fully re-vegetated with indigenous plantings in the channel, channel banks and in the riparian buffer zones.

Provision of rock riffles at select locations along the Raglan Creek Channel. The objective of the rock riffles is to reduce the flood velocities and facilitate a controlled energy loss over the rock riffle, which would be armoured with appropriately sized cobbles and boulders. This would reduce the potential for further erosion of the channel bed and banks.

Public and livestock access would be restricted to the riparian zone to prevent vegetation from being disturbed by trampling.

The two proposed culverts would be designed in accordance with DWE Guidelines (*Guidelines for controlled activities: Water Crossings*). Details of the culverts and scour protection would be provided at the detailed design stage. Any piped discharge from the proposed stormwater system would be designed in accordance with DWE Guidelines (*Guidelines for controlled activities: Outlet Structures*) Details of outlet structures and associated scour protection would be provided at the detailed design stage. '

Accordingly it is considered that the proposed rehabilitation measures introduced as part of the Riparian Corridor Rehabilitation Strategy are likely to minimise further stream bank erosion and significantly enhance the environmental and aesthetic qualities of Raglan Creek within the subject site.

### 10.5.5 Hydrological Stormwater Flooding and Riparian Improvements

The Stormwater, Flooding and Riparian Corridor Assessment provides an assessment of the implications to key modifications to the stormwater, flooding and riparian corridor (see Annexure 12). The key findings of this assessment are stated inter alia:

‘In August 2006, a Concept Plan Application was submitted for the development proposal. Subsequently, the Concept Plan was approved by the NSW Minister of Planning subject to conditions, which are defined in Schedule 2 of the Concept Plan Approval (*ref Application no 05-0047*). A *Hydraulics Services Masterplan Report* was prepared by *Whipps-Wood Consulting* as part of the Concept Plan Application (*ref: Whipps-Wood July, 2005*). This report included a qualitative assessment of the flood, stormwater and riparian corridor management requirements for the site. *Gateway Land Corporation* now wishes to seek approval for a section 75(w) modification to the Concept Plan Approval. The key modifications relevant to the stormwater, flooding and riparian corridor aspects of the development proposal are summarised in **Table 6-1**.

**Table 6-1** – Comparison of modified development proposal to previous concept plan.

	Previous Concept Plan	Modified Development Proposal	Implications
<b>Stormwater Management</b>	Stormwater management comprised of 3 water quality control ponds with overlying detention storage.  No quantitative water quality or hydrologic assessment was undertaken.	Proposed stormwater management measures consist of 10 evenly distributed bioretention areas and a single water quality control pond. Refer to <b>Figure 8</b> for the proposed stormwater management plan.  Gross Pollutant Traps are provided upstream of the bioretention areas and the water quality control pond to provide pre-treatment.	The modified development proposal incorporates a Water Sensitive Urban Design approach which provides both water quality and quantity treatment consistent with current best practice guidelines.
<b>Flood Management</b>	No detailed flood assessment was undertaken as part of the original concept plan. However, advice obtained from Council confirmed that the site does not have a history of flooding.	A detailed flood assessment was undertaken which determined the flood behaviour within the subject site, confirming that a 100 year ARI flood would be contained within the existing channel as long as the proposed culverts were adequately sized. Preliminary culvert sizes are detailed in <b>Figure 7</b> .	The detailed flood assessment confirmed that flooding is contained within the channel and would not impose a constraint on development.
<b>Raglan Creek Rehabilitation</b>	The upper section of Raglan Creek would be rehabilitated, with provision of a 10m wide vegetated buffer either side of the existing water course.  The lower section of Raglan Creek and its tributary were to be culverted.	A similar rehabilitation concept was adopted. However, the overall culvert lengths were reduced, and the adopted top of bank was widened ( <i>refer to Section 5.3.2</i> ). This would result in a substantial increase in the area of rehabilitated riparian vegetated.  Rock riffles and scour protection would be provided in the upper portion of Raglan Creek.	The increase in adopted top of bank width as well as reduced culverted lengths would result in a substantial increase in riparian vegetation in the modified development proposal.  The addition of rock riffles and scour protection would reduce the potential for further erosion of the channel bed and banks.

Accordingly, it is considered that the Stormwater and Flood Management Controls and the proposed Riparian Corridor Improvements will improve upon measures implemented as part of the Approved Concept Plan

## 10.6 Indigenous and Cultural Heritage

### 10.6.1 Indigenous Heritage

As part of the Concept Plan approval, an assessment of the impact on Indigenous heritage has been prepared by OzArk Environmental & Heritage Management Pty Ltd. The site is located within the boundaries of the Bathurst Local Aboriginal Land Council (BLALC).

The assessment states that no Aboriginal sites were located or Aboriginal artefacts detected during the survey and the potential for intact, undetected, sub-surface deposits is considered low. Based on the assessment, the report states that no further archaeological assessment is required and there are no constraints to future development.

As part of the Modified Concept Plan submission a letter has been received from OzArk Environmental & Heritage Management Pty Ltd confirming the contents of the previous report (see Annexure 8).

### 10.6.2 Cultural Heritage

The site does not contain any heritage items, and is not in a conservation area pursuant to the Bathurst Interim LEP 2006. The previous history of the site indicates that it is unlikely to contain any historical relics of potential significance. Future approvals will be subject to the provisions of the NSW Heritage Act that apply in the event that a relic is uncovered during construction.

## 10.7 Contamination Assessment

As part of the proposed modification to the Concept Plan, a supplement to the contamination study has been submitted (see Annexure 9). The supplement concludes that there are no contamination issues relating to the proposed modification from the Reddy's Orchid Site however it identifies two potential contamination issues at the Muldoon's Quarry Site. These are stated, inter alia:

'Muldoon's Quarry (19.7 ha: Annexure 10), had minimal contamination north and east of the bisecting seasonal creek. South of the creek, two potential contamination issues relate to the proposed modification:

1. Asbestos – Test pits 5, 6, 7 12 and 14 corresponding to Lots K, L and M
2. Groundwater – Bore at the former Ingersole's corresponding to Lot F'

In terms of Issue 1 Asbestos report states the following:

#### 'Issue 1: Asbestos

Asbestos-containing material was identified in 2005 at test pits located at the south east of the site in the locality of the proposed lots K, L and M. The area included the highly modified north-sloping batter of the ridge abutting with the railway line. This would be significant if any cut to the batter was proposed by the design. Excavation of soil in this locality could generate dust containing asbestos fibres. Therefore, it is important that further cut of the former quarry at the south east of the site be limited, to weathered granite in its native state. The revised layout retaining the original design levels of the EA, based on maximum rail siding gradient requirements proposes only additional fill to the existing topography within this part of the site.

**Recommendation:** Weathered granite be sourced from high ground at the north east portion of the proposed development, east and south of proposed Lot 9.'

In terms of Issue 2 Groundwater report states the following:

#### 'Issue 2: Groundwater

A well was located at the site of the former Ingersole's Abattoir. The Abattoir was situated centrally on Muldoon's quarry block, on the south bank of the creek in the vicinity of test pit 26 (see attached map). No analysis of the groundwater was conducted nor was standing water level determined at the time. A bore search was conducted, showing four registered bores within 1km of the former quarry. The nearest bore, 500 m to the north had a standing water level (SWL) of 4.6 m.



Two more distant bores had SWLs of 18 and 31 m and a pumping rate of 2.5L/s. Soil implicated by higher than average salinity in the region of the former abattoir was shallow and underlain by heavy clay subsoil atop weathered granite. The heavy clay would likely provide protection against infiltration of nutrients to groundwater. Conversely, the well represents a potential conduit to the underlying aquifer. Modification Application MA-006 Stormwater Management (preliminary) includes a stormwater quality pond in the vicinity of the former abattoir well. There is potential for retained runoff to impact groundwater, should the former well be breached by the pond, or the heavy clay subsoil be cut away to expose the underlying weathered granite, thereby enabling lateral transfer to the presumably now filled in well.

**Recommendations:** Consider utilizing native heavy reddish brown clay subsoil'

Accordingly, based on the studies undertaken, the site is considered suitable for continued use and for development in accordance with the Concept, subject to compliance with the recommendations contained in the preliminary Contamination Assessment and the supplement contained in Annexure 10.

## 10.8 Hazard and Risk

As with the Approved Concept Plan, the proposed Concept Plan does not involve potentially hazardous or offensive industry within the meaning of SEPP No.33 and the Bathurst LEP. The underground fuel storage tank will be designed and installed in accordance with BCA standards and operated in accordance with relevant EPA guidelines. Construction and operations will be managed in accordance with statutory requirements to avoid or minimise hazard risk.

The transport of dangerous goods is regulated under the National Code of Practice for the Land Transport of Dangerous Goods. Specific reference to requirements in NSW is covered in Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999. Both ARTC and RailCorp have Interface Agreements and Access Agreements with customers, which reference these documents in respect of dangerous goods.

Measures will be implemented to manage and control fire risk in accordance with statutory requirements as advised by Whipps Wood (Hydraulic Services) submitted as part of the Concept Plan Approval.

Future applications for individual facilities would be subject to detailed design to minimise risk, including satisfying BCA requirements. Accordingly, it is considered that the Modified Concept Plan is able to avoid or minimise risk and hazard, which will be managed in accordance with statutory and regulatory requirements.

## **10.9 Waste Management**

As with the Approved Concept Plan, waste on-site will be carefully and efficiently managed in accordance with a Waste Management Plan (WMP) that will be submitted in conjunction with applications for further approvals commencing with Stage 1 application. The WMPs will include an assessment on the quality and type of waste generated during both development and operations phases. The volume of waste generated will be quantified and an on-site storage system will be provided. This will take into consideration the strategic location of waste storage devices, the collection and transportation of waste, and issues involved with the future treatment of waste (including recycling, reuse and landfill). Potentially hazardous waste from construction and operation will be identified and managed appropriately. The ongoing waste management will be considered to ensure that health and safety is guaranteed for the future occupants of the site.

## 11.0 ENVIRONMENTAL ENVELOPE ASSESSMENT: OFF-SITE

### 11.1 General

This section will provide an assessment of the key off-site environmental aspects of the Modified Concept Plan. They include acoustic and vibration, a visual assessment, rail network, traffic and parking, air quality, social and economic impacts and the public interest.

### 11.2 Acoustic and Vibration Assessment

An assessment of the noise likely to be generated by future development as a result of the proposed modifications has been undertaken by Indigo Acoustics (see Annexure 7).

The Report assesses the potential noise impacts upon nearby residences resulting from the proposed Concept Plan modifications. The conclusion of this assessment can be found inter alia:

‘The Concept Plan Approval (05-0047) was granted by the minister to allow construction of the proposed road/rail freight terminal and associated infrastructure at Kelso on the 12<sup>th</sup> August 2006.

It is subsequently proposed to modify the concept plan as follows:

- Some differences to the layout and positioning of the bulky goods and terminal warehouses. However, the total areas remain similar.
- Some changes to parking areas.
- The addition of 2 fast food outlets along the highway frontage. The proposed hours of operations remain the same except that the fast food outlets will operate 24hours a day as will the service station.

There have also been some changes to the area including:

- To the east a new Latex Bedding outlet and Team Poly near the disused timber mill.
- To the north, west of Harvey Norman, a new highway development called Bathurst Supa Centre including Pet Barn, Homemakers, Fantastic, Original Mattress Factory and Boating Camping Fishing.
- To the north behind the new Bathurst Supa Centre the residential area of Diamond Close has been largely built.
- To the south, on the southern side of the railway line an extensive new industrial estate has been partially developed.

The noise goals were derived in the earlier approved assessment. Noise levels from the proposed changes have been predicted and generally meet the noise goals. There are predicted exceedences of up to 2dBA above the noise goals during the daytime and evening periods. The noise source is trucks at the warehouses. There is no practical noise control which can be applied to reduce this noise. These locations are already impacted by truck noise from the Great Western Highway at higher noise levels than those predicted so these predicted noise levels are unlikely to be noticed.

Traffic generated noise will meet the noise goals.’

Accordingly, it is considered that the proposed modifications to the Approved Concept Plan are unlikely to have adverse acoustic impacts upon the neighbouring development.

### 11.3 Visual Assessment

A visual assessment has been undertaken by Crawford Architects which shows the impact of the proposed development from a number of key locations surrounding the site (see Annexure 6). The assessment concludes as follows.

‘On the residential lands directly north of the site, specifically visual receptors 4 and 5, although modification to the anticipated intermodal terminal warehouse massing on the site will be relatively minor, a large proportion of this massing will now be obscured by the continuing development immediately north of the subject site along the Great Western Highway. With further development, it is anticipated that visual receptors 6 shall also be provided with similar additional buffering

With regard to the Great Western Highway frontage, no change is proposed to the design principles or guidelines implemented by the landscaping plan under the concept plan approval. The stormwater controls and treatment have been modified to implement a more extensive and evenly distributed use of Bio Retention Swales, in lieu of Water Quality Ponds (refer Annexure 12 for details). However, there effect is primarily on the ground plan, and other than a change to vegetation offering enhanced filtration media in select locations, and a review of benching to suit detailed design of the railway interface to the rear of the site and flood levels, the streetscape proportions, setbacks and Lombardy poplars remain essentially as per the Concept Plan Approval.

In consideration of the proposed modifications, the implications on the visual receptors and the streetscape offering Bathurst a new ‘gateway’, it can be seen that the section 75(w) modification is not only consistent with the Concept Plan Approval 05\_0047, but provides a better outlook due to revised stormwater controls integration into the landscape setback and a reduced implications of warehouse massing due to increasing densification of surrounding development, specifically directly north of the subject site.’

Accordingly, it is considered that the proposed Modification to the Concept Plan is consistent with the Approved Concept Plan and will provide a better outlook due to the revised stormwater, landscape and building massing.

### 11.4 Rail Network

A supplement to the Rail Report submitted with the Concept Plan approval has been prepared by Wands Solutions (see Annexure 3). The supplement states, inter alia:

‘The connection to the main rail line is essentially the same as those described in Annexure 3 of the Central West Regional Freight Terminal Part 3a Environmental ASSESSMENT.’

Accordingly, it is considered that the proposed changes to the intermodal terminal will not be any different to that already approved.

## 11.5 Parking and Access Assessment

A Traffic Report has been prepared by Colston Bud Hunt and Kafes. The Report assesses the likely traffic generation and parking demand from future development (see Annexure 13). The report concludes as follows:

'In summary, the main points relating to the traffic implications of the proposed modifications are as follows:

- i) parking will be provided in accordance with appropriate Council and/or RTA rates at the time that applications are lodged for individual buildings;
- ii) the approved eastern point of access on Great Western Highway is proposed to be modified to left in/left out;
- iii) internal roads are proposed to be dedicated to Council;
- iv) internal circulation and layout for each lot will be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002 at the time that applications are lodged for individual buildings;
- v) with the approved signalisation of the main site access at Great Western Highway/Ashworth Drive, and the proposed left in/left out at the eastern site access, the road network will be able to cater for the additional traffic from the proposed modifications.'

Accordingly, future development is not likely to significantly affect the surrounding road and intersection network and is considered appropriate in terms of traffic and parking (see Annexure 13).

## 11.6 Air Quality

The modifications do not propose any activities that would have a detrimental effect on air quality beyond that usual for the use of the land in accordance with approvals. Accordingly, it is considered that the Modified Concept Plan is able to avoid or minimise potentially adverse impact on air quality, which will be managed in accordance with statutory and regulatory requirements.

## 11.7 Social and Economic Impacts

An assessment of the site in terms of broad strategic planning considerations is included in Section 7.0 of this report. It indicates that the Modified Concept Plan is consistent with relevant strategic plans for Bathurst, which are currently under review.

The Approved Concept Plan was considered to have positive social and economic effects for reasons that include the following:

- 'Increased efficiency of land transport in NSW by virtue of its location some 4km east of Bathurst and adjacent the Great Western Highway and the Great Western Railway.
- Improved distribution and movement of goods in line with Bathurst strategies.
- The suitability of the site as a location for a road/rail freight terminal that will serve a growing population and economy as supported by the Bathurst Statistical Profile,
- improved road safety due to reduction in the number of truck movements to and from Sydney and over the Blue Mountains
- The contribution to employment generation in the region (as further discussed below).
- Environmental improvements to the site, including the watercourse: and,
- Development that accords with ESD principles as reflected in the site management and monitoring regimes that are included in as commitments in.

It is considered that the Modified Concept Plan will still provide the above positive impacts plus the added matters below:

- Increased environmental improvements to the site and surrounding areas by through the introduction of a larger riparian zone and improved stormwater management;
- Additional employment opportunities with the inclusion of the new uses;
- An improved highway interface and variety of uses; and
- Ensure the long term viability of the project.'

## **11.8 The Public Interest**

It is considered to be in the public interest to realise a Modified Concept Plan that will further improve the efficiency of freight transport and contribute to increased employment opportunities. The Modified Concept Plan will have positive social and economic benefits and multiplier effects that will benefit the broader community.

## 12.0 CONCLUSION

The Modified Concept Plan has been assessed in light of Part 3A of the EP & A Act, 1979 and State and Council's planning instruments.

The Section 75W modification proposes a revised building layout, revised road layout, larger riparian zone and introduces two new uses for the approved highway uses. The proposal has a similar total floor area and building footprint to that of the approved development, comprises similar uses, maintains the protection zone of the watercourse with a larger riparian zone and revised stormwater controls, and maintains the location of access points. For this reason, it is a Section 75W Application, which has been confirmed by the Department of Planning during meetings held on 5 June 2008 and 24 October 2008.

The site is within the 1(a) Inner Rural Zone pursuant to the Bathurst City Council Interim Local Environmental Plan (LEP) 2006. The additional uses including Motor Showroom and Take Away Food outlet, are consistent with objectives (a) (c) and (d) of Zone 1 (a) and hence permissible with consent pursuant to the LEP.

The Bathurst Regional Urban Strategy recommended the site to be rezoned to service business. The Urban Strategy has been adopted by Council and a new LEP is currently being drafted that will incorporate the proposed rezoning. The proposed changes to the approved building layout and usage mix are more compatible with the proposed zoning than the Approved Concept Plan.

The Modified Concept Plan is consistent with the highway setback controls of the Urban Strategy and provides an integrated approach to the design of the service business component which incorporates highway planting in accordance with Council's requirements. The modification will result in a less visually intrusive development than the approved Service Business developments to the north of the Great western Highway

The Modified Concept Plan does not provide a 40m wide buffer to the neighbouring industrial zoned land to the east and west. Notwithstanding this the proposed setbacks are not considered to conflict between the proposed site uses and the neighbouring site uses and as such, the proposed land use buffer is appropriate in this regard.

The visual analysis indicates that the project will have a reduced overall visual impact when viewed for key locations in the surrounds. Internally the 5 m setback from the internal service roads will provide further separation between buildings within the site and greater opportunities for landscaping. The introduction of a larger riparian corridor will provide further separation between the individual uses and reduce the visual impact of the intermodal terminal on the surrounding area.

The proposed rehabilitation of the Raglan Creek will further enhance the development of wildlife corridor in the region and create vegetation communities and habitat for the area. The rehabilitation measures proposed as part of the riparian corridor expansion are likely to minimise further stream bank erosion and significantly enhance the environmental and aesthetic qualities of Raglan Creek within the subject site.

The changes to the intermodal terminal, rail interface and container hardstand area will not affect the capacity of the terminal and the approved warehousing. The changes in the Concept Plan Staging will ensure the long term viability of the intermodal terminal.



Furthermore, the Modified Concept Plan will not result in any additional adverse traffic or parking impacts. The design of the proposed new road layout and introduction of additional highway works including new left in lane and deceleration lanes are considered to improve upon the Approved Concept Plan.

The modified Concept Plan is considered consistent with relevant statutory controls including SEPP Major Projects SEPP Infrastructure SEPP 33, SEPP No. 55; SEPP 65 the Contaminated Land Management Act; and Council's Contaminated Land Policy. It is also considered able to satisfy the requirements Commonwealth EPBC Act, 1999; Threatened Species Act 1995; and the Disability Discrimination Act, 1979.

An assessment of the potential impacts of future development in terms of flora and fauna, hydraulics, heritage, contamination, noise and vibration and the visual environment has been carried out and is detailed in the previous sections of this report.

The subject site presents moderate to low risk of contamination potentially deriving from past land uses at the Muldoons Quarry site, which however can be managed on further analysis. However, subject to implementation of the recommendations, potential risk can be reduced to a negligible to low risk of contamination and is not considered to be at a level that would prevent the safe use of the site.

The environmental envelope assessment on-site and off-site indicates that the project will have acceptable impact in terms of noise and vibration subject, to the incorporation of recommended mitigation measures.

Accordingly, for the reasons stated above, it is considered that the proposed Modifications Concept Plan will improve upon the Approved Concept Plan will have no additional adverse environmental impacts, will improve upon the riparian corridor rehabilitation and is considered to be in the public interest.