



NSW GOVERNMENT  
**Department of Planning**

18 August 2006

Mellor Gray Architects Pty Ltd  
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Our ref: S04/01177  
File:

Dear Mr Mellor

**Subject: Road/Rail Terminal, Kelso – Bathurst Regional Local Government Area  
(05\_0047)**

I would like to advise you that on 12 August 2006, the Minister for Planning, the Hon Frank Sartor MP, approved your Concept Plan (05\_0047) for the Road/Rail Freight Terminal under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

I have enclosed a copy of the Minister's project approval.

As you may know, if you are dissatisfied with the Minister's decision you have certain appeal rights under section 75K of the EP&A Act.

If you have any enquiries on this matter please contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Ingham', with a small 'or' written to the left.

Jacqueline Ingham  
Senior Planner – Manufacturing and Rural Industries  
**Major Development Assessment**

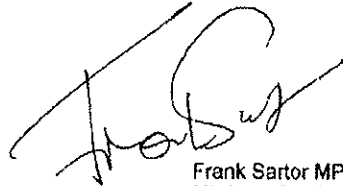
# Concept Plan Approval

## Section 750 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the Concept Plan referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

- prevent and minimise adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- set requirements for future project applications; and
- establish a framework for the ongoing environmental management of the project.



Frank Sartor MP  
Minister for Planning

Sydney

12<sup>th</sup> Aug ✓

2006

### SCHEDULE 1

Application No:	05_0047
Proponent:	Slobobax Pty Ltd
Approval Authority:	Minister for Planning.
Land:	Lot 1 DP 164151, Lots 21-22 DP 137352, Parts 60, 68, 73 and 81 DP 755781, 213 Sydney Road (Great Western Highway)
Concept Plan:	Proposed road/rail freight terminal and associated infrastructure.

## SCHEDULE 2

### DEFINITIONS

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 Architects Pty Ltd and dated May 2006
Council	Bathurst Regional Council
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
DNR	Department of Natural Resources
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning
Proponent	Slobobax Pty Ltd
RTA	Roads and Traffic Authority
Site	Land in the concept plan application (see Schedule 1)

### ADMINISTRATIVE CONDITIONS

#### 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.
2. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
3. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - a) any reports, plans or correspondence that are submitted in accordance with the conditions of this approval; and
  - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

#### Limits of Approval

4. This approval does not allow any development to be carried out on the site. The Proponent shall submit detailed project applications to the Minister for the implementation of the concept plan.
5. If the development associated with this concept plan has not physically commenced within 5 years of this approval, the approval shall lapse.

#### 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.

#### Developer Contributions

7. The Proponent shall:
  - (a) pay the full cost associated with the provision of any infrastructure to the site, including the roadworks required for the concept plan;
  - (b) dedicate any land on the site required for the roadworks along the Great Western Highway to the RTA; and
  - (c) pay Council the contributions required in Council's *Section 94 Contribution Plan Raglan Creek Stormwater Drainage Management Plan* prior to implementing each stage of the concept plan.

## PROJECT APPLICATION REQUIREMENTS

8. The Proponent shall ensure that the project applications for each stage of the concept plan:
- include detailed plans of the proposed development;
  - demonstrate that the proposed development is consistent with the approved concept plan and requirements of this approval; and if there are any inconsistencies between the two, justify these inconsistencies;
  - include a detailed stormwater management scheme for the proposed development that has been prepared in accordance with Council, and is consistent with the scheme for the whole site (see condition 9);
  - include a detailed landscaping plan for the proposed development that has been prepared in consultation with Council;
  - include an external lighting plan that is consistent with the requirements in *AS 4282 -1997: Control of Obtrusive Effects of Outdoor Lighting*, or its latest version;
  - include a Construction Management Plan for the proposed development that includes a:
    - a soil and water management plan that has been prepared in accordance with the relevant requirements of Landcom's *Managing Urban Stormwater: Soils and Construction*, and describes the measures that would be implemented to minimise erosion and the discharge of sediments from the disturbed area during construction;
    - a construction noise management plan that describes what measures would be implemented during construction to ensure compliance with the relevant construction noise criteria in the *Environmental Noise Control Manual*; and
    - construction waste management plan that describes what measures would be implemented to avoid, minimise, recycle/ reuse and/or dispose of the waste generated by the proposed construction works.
9. In addition to the above, the Proponent shall ensure that the project application for Stage 1 of the concept plan includes:
- a detailed plan of the proposed roadworks along the Great Western Highway that has been prepared in consultation with Council, and to the satisfaction of the RTA;
  - a detailed stormwater management scheme for the whole site that has been prepared in consultation with Council, and describes the measures that would be implemented to ensure that there is no increase in the downstream flooding impacts as a result of the proposal;
  - a detailed plan for the proposed restoration of the watercourse and riparian zone on site that has been prepared in consultation with DNR and Council, and describes the measures that would be implemented to:
    - restore the creek and riparian zone;
    - integrate these works into the proposed landscaping of the rest of the site;
    - manage the impacts on fauna;
    - maintain the creek and riparian zone over the life of the development; and
    - monitor the performance of the proposed restoration works over time; and
  - a construction traffic management plan that has been prepared by the RTA.

## GENERAL ENVIRONMENTAL CONTROLS

### Operating Hours

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

Table 1: Operating Hours

Activity	Day	Time
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	Monday – Friday	7am to 10pm
Forklift Maintenance Facility	Saturday	7am to 1pm
Regional Terminal Warehousing		
Highway Use Development Sites	Monday – Friday	5:00am to Midnight
Truck Service Station	Saturday	6:00am to 6:00pm
	Sunday and Public Holidays	8:00am to 4:00pm
Service Station	Monday - Sunday	Anytime

*Note: The Proponent may carry out activities on the site outside the specified operating hours, provided these activities are inaudible.*

#### Noise Limits

11. The Project shall ensure that the development on the site complies with the noise limits in Table 2:

Table 2: Noise impact assessment criteria dB(A)

Location	Day L <sub>max</sub> (15 mins)	Evening L <sub>max</sub> (15 mins)	Night L <sub>max</sub> (15 mins)
The Scots College	51	45	41
Gold Panner Motor Inn	47	45	40
Diamond Close	45	45	41
Ashworth Estate	45	45	41
Sundowner Drive	42	42	41

**Notes:**

- a) The criteria above apply to noise emissions under the following weather conditions:
- wind speeds up to 3 m/s (at a height of 10m); and
  - temperature inversions of up to 6°C/100m and wind speeds up to 2 m/s (at a height of 10m).
- b) Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L<sub>max</sub>(15 mins) noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the Department may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

#### Dust

12. The Proponent shall implement all reasonable and feasible measures to minimise the dust generated by development on the site.
13. The Applicant shall ensure that all loaded vehicles entering or leaving the site are covered.
14. The Applicant shall ensure all loaded vehicles leaving the site are cleaned of materials that may fall on the road before they are allowed to leave the site.

#### Water Discharges

15. The Proponent shall ensure that any water discharged from the water quality ponds on site comply with the water quality objectives in Table 3, or other such level as approved by the Director-General:

Table 3: Water Quality Objectives

Pollutant	Unit of Measure	Water Quality Objective
Total Suspended Solids	mg/L	50
pH	pH	6.5 – 8.5
Oil & Grease	mg/L	10

#### Riparian Zone

16. The Proponent shall restore the creek and riparian zone on site, and then maintain the restored creek and riparian zone during the life of the development, to the satisfaction of the Director-General.

#### Contaminated Land

17. Prior to carrying out any construction work on the site, the Proponent shall get a suitable qualified and experienced expert to certify that the land upon which the construction work will occur is suitable for the proposed development.

#### Spoil/Fill

18. The Proponent shall not import any spoil or fill onto the site, unless this is approved in a subsequent project application.

**Traffic**

19. The Proponent shall ensure that the site does not generate more than 2000 traffic movements a day.

**Parking**

20. The Proponent shall ensure that there is sufficient parking on the site to accommodate all the parking demand generated by development on the site in a safe and orderly way.

**Visual**

21. During the life of the development, the Proponent shall maintain the landscaping on the site to the satisfaction of the Director-General.

**ENVIRONMENTAL MANAGEMENT STRATEGY**

22. Prior to carrying out any construction on the site, the Proponent shall prepare (and following approval implement) an Environmental Management Strategy for the development, in consultation with Council, the RTA and DNR, and to the satisfaction of the Director-General. This strategy must:
- (a) provide the strategic context for environmental management on site;
  - (b) keep the local community and relevant agencies informed about the construction, operations and environmental performance of the development on the site;
  - (c) describe the procedures that would be implemented to:
    - receive, handle, respond to, and report complaints;
    - advise of the Department (and other regulatory authorities) about any incidents that occur on the site;
    - respond to any non-compliance;
    - respond to emergencies; and
    - resolve any disputes that may arise during the life of the development;
  - (d) include an environmental monitoring program that describes what measures would be implemented to monitor the following matters during the life of the development:
    - the off-site noise, traffic, and water quality impacts of the development associated with the concept plan; and
    - the ongoing performance of the proposed creek restoration and riparian zone works; and
  - (e) provide the contact details of the person who is responsible for the overseeing the environmental management of the site.

## APPENDIX A: CONCEPT PLAN

## APPENDIX B: PROPONENT'S STATEMENT OF COMMITMENTS



# Concept Plan Approval

## Section 75O of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the Concept Plan referred to in schedule 1, subject to the conditions in schedule 2.

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Frank Sartor MP  
**Minister for Planning**

Sydney      12 August      2006

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## APPENDIX A: CONCEPT PLAN

## **APPENDIX B: PROPONENT'S STATEMENT OF COMMITMENTS**