

# Concept Plan Approval

## Sections 75O and 75P 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

2006

### **SCHEDULE 1**

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

**This instrument includes changes made by 05\_0047 MOD 1 approved by the Minister for Planning on 1 December 2009 (marked in blue)**

## **SCHEDULE 2**

Approval	With reference to a project or concept under Part 3A, a development under Part 4 or an activity under Part 5 of the EP&A Act
Council	Bathurst Regional Council
Department	Department of Planning
Director-General	Director-General of the Department of Planning (or delegate)
DWE	Department of Water and Energy
EA	<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 by Mellor Gray Architects Pty Ltd and dated May 2006
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	Gateway Pty Ltd
RTA	NSW Roads and Traffic Authority
Site	Land in the Concept Plan Application (see Schedule 1)
Transport Infrastructure	Includes road, rail, pedestrian and cycle facilities, but excludes any building associated with the use of these facilities.

### **ADMINISTRATIVE CONDITIONS**

#### **Terms of Concept Approval**

1. The Proponent shall carry out the project generally in accordance with the:
  - a) Concept Plan Application 05\_0047;
  - b) *Central West Regional Road/Rail Freight Terminal at Great Western Highway, Kelso, Bathurst*, prepared by GSA Planning Pty Ltd and dated January 2006;
  - c) Statement of Commitments prepared by Mellor Gray Architects Pty Ltd and dated May 2006;
  - d) Modification Application 05\_0047\_Mod 1 accompanied by document titled *Section 75(W) Planning Assessment December 2008 – Issue A*, prepared by GSA Planning Pty Ltd and dated December 2008;
  - e) Documentation titled '*DoP Submissions Response Document*', issue A, prepared by Crawford Architects and dated 27 March 2009;
  - f) correspondence prepared by Crawford Architects and dated 16 April 2009;
  - g) revised plans numbered MA-002, MA-005 and MA-007, all revision C, dated June 2008; and
  - h) the conditions of this approval.
2. In the event of an inconsistency between:
  - a) the conditions of this approval and any document listed from conditions 1a) and 1g) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from conditions 1a) and 1g) inclusive, the most recent document 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 in these reports, plans or correspondence.

#### **Limits of Approval**

4. To avoid any doubt, this concept approval does not permit subdivision, subdivision works or the construction of any other aspect of the proposal which will be the subject of separate approvals.
- 4A. Future project applications are to be assessed and determined subject to the following provisions of the EP&A Act:
  - subdivision and associated subdivision works require further environmental assessment under Part 4 of the EP&A Act;
  - utility undertakings by or on behalf of a public authority requires further environmental assessment under Part 5 of the EP&A Act;
  - development with a capital investment value of less than \$30 million requires further environmental assessment under Part 4 of the EP&A Act; and
  - development with a capital investment value of equal to or more than \$30 million requires further environmental assessment under Part 3A of the EP&A Act.

5. If the development associated with this concept plan has not physically commenced within 5 years of this approval, the approval shall lapse.
- 5A. To avoid any doubt this approval applies to the whole site as described in schedule 1 of this approval, including lot 10.
- 5B. The total developable floor space for buildings on the site (excluding transport infrastructure and hard stands) is not to exceed 62,000m<sup>2</sup>.
- 5C. Warehousing and distribution buildings (G to M inclusive) are to have a minimum setback of 25m from the northern side of the rail siding.
- 5D. Warehousing and distribution buildings (A to M inclusive, with the exception of F) shall be designed to ensure that they can be serviced by B-double vehicles on their northern and southern frontages and in accordance with relevant Australian Standards.
- 5E. Vehicular access to and from within the site must be designed to facilitate the safe movement of B-double vehicles in accordance with relevant Australian Standards.
- 5F. Vehicles, other than those associated with the loading and unloading of goods and containers to the rail siding and emergency services, must not access the rail freight terminal area IMT.a and b. Measures including signs and physical barriers shall be erected to prevent unwarranted access.

## **SPECIFIC REQUIREMENTS AND PROJECT APPLICATIONS**

### **Staging and Subdivision**

6. The Proponent shall implement the concept plan in accordance with the revised staging as outlined in Table 5 of the document identified in condition 1.1d).

Tier 1 uses (highway frontage, fast food restaurants and service station) are not to be operational until other scheduled Stage 1 works have been completed.

The staging and timing of works may be revised subject to the approval of the Director-General.

- 6A. Any future subdivision of the site shall identify through appropriate mechanisms, the ongoing ownership and management of site infrastructure, including stormwater, riparian zone and landscaping maintenance.

### **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 (or component) or the concept plan.

## **PROJECT APPLICATION REQUIREMENTS**

### **Stage 1**

8. The Proponent shall ensure that any application for Stage 1 (or a component) of the concept plan includes:
  - a) a detailed plan of the proposed roadworks and intersections along the Great Western Highway that has been prepared in consultation with Council, and to the satisfaction of the RTA;
  - b) 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;
  - c) a detailed plan for the proposed restoration of the watercourse and riparian zone on site that has been prepared in consultation with DWE 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 impacts on fauna;
    - maintain the creek and riparian zone during restoration and over the life of the development; and
    - monitor the performance of the proposed restoration works over time.
9. Prior to any development occurring on site, the Proponent shall ensure that the following plans have been prepared:
  - a) detailed plans of the proposed development;

- b) demonstrate that the proposed development is consistent with the approved concept plan and requirements of this approval;
- c) include a detailed stormwater management plan for the proposed development that has been prepared in consultation with Council and is consistent with the scheme for the whole site (see condition 8);
- d) include a detailed landscaping plan for the proposed development that has been prepared in consultation with Council;
- e) 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;
- f) include a construction management plan for the proposed development that includes:
  - 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;
  - a 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; and
  - an access management plan to ensure the safe movement of construction vehicles and to maintain access for all users adjoining the site in accordance with Council and RTA guidelines.

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

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

### 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>Aeq</sub> (15 mins)	Evening L <sub>Aeq</sub> (15 mins)	Night L <sub>Aeq</sub> (15 mins)
The Scots College	51	45	41
Gold Panner Motor Inn	47	45	40
Diamond Close	45	45	41
Ashworth Estate			
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  $L_{Aeq(15 \text{ minute})}$  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 and Watercourse**

16. The Proponent shall restore the Raglan Creek and the riparian zone to achieve a sound naturalised watercourse and long term riparian area stabilisation and then maintain the restored creek and riparian zone during the life of the project.
- 16A. Riparian zones shall be populated with endemic species and shall extend at least 10m landward either side from the top bank of the watercourse.
- 16B. Crossing or instream works shall be designed with consideration of *Guidelines for Controlled Activities Watercourse Crossings* (DWE February 2008) and *Guidelines for Controlled Activities Instream Works* (DWE February 2008).

**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.
- 17A. The well on the south bank of Raglan Creek shall be decommissioned and sealed in accordance with Queensland's Department of Natural Resources guideline *Minimum Construction Requirements for Water Bores in Australia*, edition 2, dated September 2003.

**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 a total of 3400 traffic movements, including truck and private vehicles, a day.

19A. Internal roads and vehicular access shall be designed to meet Council design standards.

#### **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.

#### **Lot 10**

21A. Future uses of lot 10 shall be consistent with the approved concept plan and shall be subject to the following development controls:

- a) a maximum height of 10m for future buildings;
- b) a 20m building setback from the Great Western Highway with a 10m landscape component;
- c) a 15m building setback from the eastern boundary with a 5m landscape component;
- d) a 5m setback from internal service roads; and
- e) no direct access to the Great Western Highway.

#### **Rail**

21B. The rail siding configuration and connections to the rail network will be undertaken in consultation with the ARTC and shall be subject to a rail Safety Interface Agreement.

#### **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 DWE. 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 of the environmental management of the site.