

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979*, determine to approve the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Minister for Planning

Sydney, 1 Dec.

2009

SCHEDULE 1

Application No:	05_0047
Proponent:	Slobobax Pty Ltd (currently known as Gateway Pty Ltd)
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 Approval:	Granted by the then Minister for Planning on 12 August 2006
For the following:	Road/rail freight terminal and associated infrastructure
Modification:	A revised footprint layout for individual allotments and buildings on site, the introduction of two fast food restaurants with 24 hours operation, a revised rail siding and loading area and other associated amendments.

SCHEDULE 2

The approval is modified by:

1. adding the following to the Glossary and Abbreviations Table:

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
DWE	Department of Water and Energy
Transport Infrastructure	Includes road, rail, pedestrian and cycle facilities, but excludes any building associated with the use of these facilities

2. deleting reference to the 'Concept Plan' in the Glossary and Abbreviations Table.

3. replacing reference to 'Slobobax Pty Ltd' with 'Gateway Pty Ltd' in the Glossary and Abbreviations Table.

4. replacing existing condition 1 with a new condition 1, as follows:

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.

5. replacing existing condition 2 with a new condition 2, as follows:

2. In the event of an inconsistency between:
 - a) the conditions of this approval and any document listed from conditions 1.1a) and 1.1g) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from conditions 1.1a) and 1.1g) inclusive, the most recent document shall prevail to the extent of the inconsistency.

6. replacing existing condition 4 with a new condition 4, as follows:

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.

7. adding new condition 4A after condition 4, as follows:

- 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.

8. adding new conditions 5A to 5F after existing condition 5, as follows:

- 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 62,000m².
- 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.

9. replacing existing condition 6 with a new condition 6, as follows:

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.

10. adding new condition 6A after condition 6, as follows:

- 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.

11. replacing existing condition 7(c) with a new condition 7(c), as follows:

- (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.

12. replacing existing condition 8 with a new condition 9, as follows:

- 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.

13. replacing existing condition 9 with a new condition 8, as follows:

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.

14. adding the following to existing condition 10:

Fast-food Outlets	Monday – Sunday	Anytime
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15. replacing existing condition 16 with a new condition 16, as follows:

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.

16. adding new conditions 16A and 16B after existing condition 16, as follows:

- 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).

17. adding new condition 17A after existing condition 17, as follows:

- 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.

18. replacing existing condition 19 with a new condition 19, as follows:

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.

19. adding new condition 19A after condition 19, as follows:

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

20. adding new conditions 21A and 21B after existing condition 21, as follows:

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.

21. replacing the first part of existing condition 22 with the following:

- 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:

