



MINISTRY OF TRANSPORT AND INFRASTRUCTURE
Department of Transport and Infrastructure

**MAJOR PROJECT ASSESSMENT:
Slobobax Regional Road/Rail Terminal,
Kelso**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

August 2006

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EXECUTIVE SUMMARY

Slobobax Pty Ltd (the Proponent) propose to construct and operate a road/rail freight intermodal terminal, with associated storage and business facilities, at the Great Western Highway Kelso, approximately four kilometres east of Bathurst.

The Proponent has sought Concept Plan approval for the following:

- two private rail sidings from the Great Western Railway;
- hardstand areas for storage of containerised goods;
- warehousing and open storage areas;
- highway use sites for warehousing and bulky goods developments;
- a service station;
- administrative and maintenance facilities for the intermodal terminal; and
- internal and access roads through the site and landscaping.

The proposal would be staged incrementally, with the first stage involving construction of rail sidings, hardstands, roads and landscaping. Each stage would be subject to further project applications. The estimated capital value of the project is \$100 million.

During the exhibition period, the Department received 24 submissions. Approximately 12 submissions raised concerns about the project, including safety and efficiency of access, and amenity impacts surrounding properties.

The Department has assessed the proposal, and generally considers that environmental impacts of the proposal are limited and can be adequately managed through mitigation measures outlined in the Statement of Commitments and the recommended Conditions of Approval. The Department considers that the location of the site between the Great Western Highway and Great Western Railway is suitable for an intermodal terminal. The proposal would provide a range of social and economic benefits for the region, in terms of potential employment and income generation. The resulting transfer of freight from road to rail transportation to and from Sydney is consistent with NSW Government objective to encourage greater opportunities for freight transportation via rail.

Consequently, the Department considers that the Concept Plan proposal is in the public interest and recommends that it be approved, subject to the recommended Conditions of Approval.

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1. BACKGROUND

1.1 Location

Slobobax Pty Ltd propose to construct and operate an rail/road intermodal terminal with associated storage and business facilities, at 213 Sydney Road (Great Western Highway), Kelso in the Bathurst LGA. The site is referred to as Lot 1 DP 164151, Lots 21 and 22 DP 137352, and Part Lots 60, 68, 73, 81 DP 755781 (refer to Figure 1).



Figure 1: Site Location

The site is located on the Great Western Highway approximately 4 kilometres east of Bathurst town centre. The site is bounded by the Great Western Highway to its north and the Great Western Railway line to its south. The site has been extensively cleared of vegetation. It currently contains a disbanded granite quarry in its south eastern corner and a dwelling fronting the Great Western Highway. The site is bisected by a narrow watercourse that is a tributary of Raglan Creek. The site has historically been used for agricultural and grazing purposes.

Development surrounding the site comprises a mix of rural, industrial, service businesses and residential development. The Gold Panners Motor Inn and a caravan park are located directly opposite the site on the Great Western Highway. There are residential developments north of these facilities at Ashworth Drive and Diamond Place and west of the facilities at Sundowner Drive. The Scots School, located south of the site, adjoins land zoned industrial.

The Proponent considers that the subject site is suitable for an intermodal terminal due to its proximity to the Great Western Highway and Great Western Railway Line. The Proponent considers that the proposal would increase the efficiency and economy of road/rail freight operations within this region of NSW and that it is a compatible land use with the surrounding industrial zoned land.

The Department notes that Bathurst Regional Council (then known as Bathurst City Council) granted consent for an alternative inter-modal terminal at White Rock Road, Bathurst, to Patricks in 2001. Whilst Patricks have legally enacted the consent for this development, there is no timeframe for the completion of construction and operation of the facility. The Proponent considers the proximity of the proposal to the highway and rail infrastructure, and its distance to from residential and education facilities, makes it a more suitable location for this type of development.

2. PROPOSED DEVELOPMENT

2.1 Project Description

The Proponent proposes to construct and operate a road/rail freight facility and associated storage and business facilities. The intermodal terminal would be used to transfer goods and produce from the Bathurst regional area from road to rail for transportation to Sydney (and the other NSW ports of Port Kembla and Newcastle) or Melbourne and Brisbane. The Proponent estimates that the proposed facility would initially operate at a capacity of 24,336 Twenty Foot Equivalent Container Units (TEUs) per annum, equating to one train per day, six days a week. At its ultimate stage, the facility would have a maximum capacity of 73,008 TEUs per annum, equating to three freight trains per day, six days per week.

The Environmental Assessment (EA) for the Concept Plan (*Environmental Assessment Concept Plan – Central West Regional Road/Rail Freight Terminal at Great Western Highway, Kelso, Bathurst*, GSA Planning, January 2006), that was exhibited by the Department in February and March 2006, outlined the main elements of the proposal. The Proponent subsequently refined the proposal in a Preferred Project Report (PPR) in response to issues raised during the exhibition. The major components of the Concept Plan proposal, including changes outlined in the PPR, are detailed in Table 1 below and in Figure 2.

Table 1: Major Components of the Proposal

Component	Description
Rail Infrastructure	Two private sidings, each 630m in length, extending from the south-eastern boundary of the site (from a connection with the Great Western Railway Line) to the north-western corner of the site with turn-around facilities at either end. This would allow 567m length trains (with 26 wagons) to enter and exit the site in a forward direction. A main line crossover would be installed to provide direct access to the main line.
Containerised Goods Storage Areas	Three hardstand areas for the transfer of goods and produce from trucks and warehouse areas onto trains, and to provide a storage area for surplus containers. These areas would have a combined total area of 52,180m ² .
Regional Terminal Warehousing	Eight development sites for warehousing and open storage facilities, to be sold or leased to regional businesses. These sites would have a total gross floor area of approximately 52,000m ² over two levels.
Highway Use Development Sites	Twenty development sites located along the Great Western Highway frontage for use as bulky goods storage, warehousing and rural produce suppliers. These sites would have a total gross floor area of approximately 11,250m ² .
Service Station	A service station, located on the Great Western Highway, open 24 hours a day for public use. The PPR states that access to the public service station be independent from the other uses on the site. A separate service station for trucks would be provided in the intermodal facility.
Access and internal service roads	Three vehicle access points to the site from the Great Western Highway were initially proposed in the EA. The PPR proposes that one signalised accessway be provided at Ashworth Drive, and a left turn exit be provided at the eastern end of the site for the highway uses. The site would be serviced by an internal network of roads. A total of 428 car parking spaces would be provided on the site (a reduction from 465 car spaces that was proposed in the EA).
Administrative and Maintenance Facilities	Administrative and maintenance facilities on the site would include a two storey administration building totalling 1,060m ² floor area, a truck stop – rail engineers accommodation building totalling 1,215m ² and a forklift maintenance facility totalling 590m ² .
Landscaping and watercourses	Landscaping of the Great Western Highway frontage and public areas of the site, and rehabilitation of the riparian areas, would be undertaken. Stormwater would be detained on the site in three detention ponds.



Figure 2: Concept Plan outlined in the Preferred Project Report

The regional warehousing and public service station component of the proposal would operate 24 hours a day. Forklift operations would be restricted to 7.00am to 1.00pm Monday to Friday and 7.00am to 1.00pm on Saturdays. The Highway Use Development Sites would operate during daytime hours, and the truck service station would operate during restricted daytime hours.

The Concept Plan proposal has a capital investment value of \$100 million and would generate a total of 200 Full-Time Equivalent (FTE) employment positions during construction and 300 positions during operation.

2.2 Project Staging

The EA indicates that the proposal would be constructed in four stages, over a ten year period, as outlined in Table 2 below. Each stage would be subject to a further project application.

Table 2: Indicative Proposed Staging of the Project

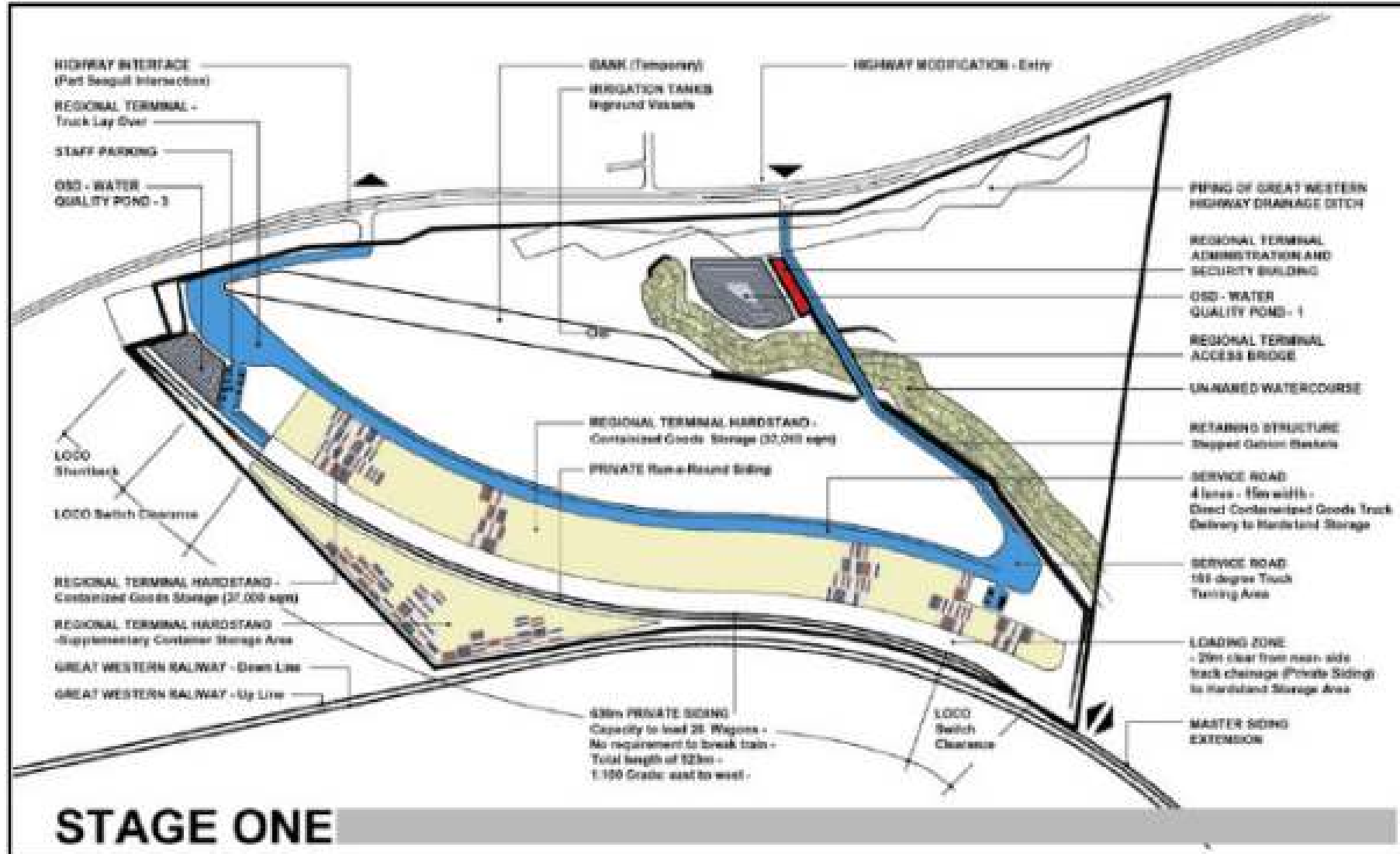
Stage	Major Components
Stage 1	Watercourse rectification including removal of willows and establishment of riparian zones; Construction of on-site detention ponds 1 and 3; Construction of hardstand and loading zone, including initial earthworks and grading; Installation of security fencing; Main rail line connections, interfaces and private sidings; Construction of internal service roads; Piping of the Great Western Highway drainage channel; Construction of administration building, landscaping and site services.
Stage 2	Construction of warehousing and forklift maintenance facility; Construction of additional service roads; Construction of on-site detention pond 2; Construction of retaining walls and other landscaping.
Stage 3	Additional improvements to Great Western Highway; Construction of Service Station and Truck Stop; Additional landscaping.
Stage 4	Development of Highway Use sites; Additional improvements to the Great Western Highway; Construction of additional roads and parking areas; Construction of sprinkler protection tanks; Additional landscaping.

The Department has subsequently identified a number of elements that need to be addressed and developed in Stage 1 including:

- a signalised intersection at Ashworth Drive and Great Western Highway; and
- landscaping along the Great Western Highway.

These requirements are addressed in the Section 5 of this report and in the relevant Instrument of Approval.

Figure 3: Proposed Stage One



3. STATUTORY CONTEXT

3.1 Major Project

The proposal is classified as a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) because it complies with the criteria in Schedule 1 of the *State Environmental Planning Policy (Major Projects) 2005* namely: it is development for purpose of railway freight facilities or inter-modal terminals, and has a capital investment value of more than \$30 million. Consequently, the Minister is the approval authority for the project.

3.2 Concept Plan

On 13 September 2005, the Minister authorised the Proponent to submit a Concept Plan for the proposal. The concept plan is seeking approval for the broad parameters of the project. The detailed design and development of the Concept Plan would be subject to future project applications.

3.3 Permissibility

The *Bathurst Local Environmental Plan 1997* was the relevant Local Environmental Plan when the EA was exhibited in February 2006. At the time of exhibition, the site was zoned 1(a) Inner Rural Zone under the *Bathurst Local Environmental Plan 1997* and was permissible with development consent, subject to consistency with the zone objectives.

The *Bathurst Local Environmental Plan 1997* was subsequently repealed in April 2006. The *Bathurst Regional (Interim) Local Environmental Plan 2005* was gazetted in April 2006 is now the relevant LEP for the site. The site is zoned 1(a) Inner Rural Zone under the *Bathurst Regional (Interim) Local Environmental Plan 2005*. The use of the site is permissible under this zoning, subject to development consent.

3.4 Environmental Planning Instruments (EPIs)

The Department has assessed the proposal against the relevant EPIs:

- *State Environmental Planning Policy No.55 – Remediation of Contaminated Land;*
- *State Environmental Planning Policy No 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage; and*
- *Bathurst Local Environmental Plan 1997 (repealed); and*
- *Bathurst Regional (Interim) Local Environmental Plan 2005.*

The Department is satisfied that the proposal, subject to the implementation of the recommended Conditions of Approval, is generally consistent with the aims and objectives of these instruments (Appendix E).

3.5 Exhibition

The Major Project Application and accompanying EA were publicly exhibited from 13 February 2006 until 14 March 2006, in accordance with the requirements of the Act.

4. CONSULTATION AND ISSUES RAISED

On 3 February 2006, the Proponent lodged an EA for the proposal with the Department.

The Department subsequently:

- notified property owners in the vicinity of the site who could be affected by the proposal;
- notified Bathurst Regional Council and the relevant State government agencies;
- advertised the exhibition of EA in the *Bathurst Western Advocate*; and
- exhibited the EA from 13 February 2006 to 14 March 2006.

This satisfies the requirements for public participation outlined in the Environmental Planning and Assessment Regulation.

5.1 Submissions Received

During the exhibition period, the Department received 24 submissions on the EA including:

- eight submissions from public authorities; and
- 16 from the general public and businesses.

Twelve submissions, including eight submissions from the general public, either objected to or raised concerns with the proposal.

Public Authority Submissions

A summary of the issues raised by public authorities is listed below in Table 3

Table 3: Submissions from Public Authorities

Public Authority	Recommendation
Department of Primary Industries (DPI)	The proposed rehabilitation of the waterway and use of endemic riparian plants was supported. The DPI noted that stormwater pollution should be controlled via implementation of stormwater detention, water quality ponds and velocity control devices. A permit for dredging and reclamation activities under the <i>Fisheries Management Act, 1994</i> , could also be required.
Western Regional Development Committee (WRDC)	The WRDC recommended that site access be provided via a single, traffic controlled intersection opposite Ashworth Drive. Further analysis of the road traffic generation and existing level crossing controls of the proposal would be required and provision of a bus stop, and pedestrian and cycle access to the site, should be considered. The proposed landscaping should not impede driver or pedestrian sight lines and advertising should comply with RTA policies and other relevant environmental controls.
Roads and Traffic Authority (RTA)	The RTA recommended that site access be provided via a single, traffic controlled intersection opposite Ashworth Drive with the provision of a bridge or culvert over the adjacent creek. Traffic modelling of the proposed intersection and rail crossing at Barley Street, Raglan should be undertaken. The Proponent would be required to enter into a Works Authorisation Deed (WAD) with the RTA for works within the road reserve.
Department of Housing (DOH)	The DOH requested that options for public transport links and pedestrian access to the site be investigated and training and employment linkages with Kelso High School, TAFE and the unemployed in the area be considered.
Department of Environment and Conservation (DEC)	The DEC advised that the proposal was unlikely to adversely impact indigenous heritage or flora and fauna. Sediment and erosion control measures should be designed and implemented in accordance with relevant guidelines.
Transport Strategy Division (DOP)	The Transport Strategy Division noted that the proposed rail sidings would not accommodate a 600 metre train, (contrary to the Freight Infrastructure Advisory Board's recommendation for freight trains from Sydney terminals) and requested further information about accessibility of the site for trains from the west. It was noted that train noise would exceed daytime noise limits at a nearby school and residential areas and

	that accessways on the Great Western Highway could impede the speed and safety of traffic. It was also noted that there may be insufficient demand for the project (given that the approved intermodal terminal at White Rock Road was yet to be developed).
Department of Natural Resources (DNR)	The DNR noted that the proposal should be consistent with the Best Management Principles for Willow Clearing on Riparian State Protected Land (DLWC, 1999) and should conform to exemptions within the Farm Dams Policy (from DNR) if water from the water quality ponds was to be used for irrigation.
Bathurst Regional Council (Council)	Council raised concern that the proposal was not consistent zone objectives with under the Bathurst LEP 1997. It would only support the development, if the bulky goods component of the project occurred after the development of the rail transport terminal. Council raised concern that the proposal pre-empted the completion of the Bathurst Urban and Rural Strategies. Council recommended that site access be provided via a single, traffic controlled intersection opposite Ashworth Drive and outlined relevant conditions in relation to the control of lighting, revegetation and management of the waterway, landscaping and trade waste.

Public Submissions

Seven submissions from the general public supported the proposal and stated that the proposal would have less impact than an intermodal terminal at White Rock Road that was approved by Council in 2001. Key concerns raised in submissions from the general public related to:

- traffic and access;
- noise;
- lighting;
- justification; and
- impact on neighbouring tourist facilities.

The Department has assessed all of the issues raised in the various submissions in Section 5.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

5.1 Noise

Operational noise

The proposal would generally be required to comply with noise limits at surrounding residential receivers, based on criteria outlined in the *NSW Industrial Noise Policy*. The noise assessment outlined in the EA indicated that noise from the proposal would exceed the noise criteria at the following locations during the day and evening:

Diamond Close where noise levels would be 12dBA above the intrusive criteria during the daytime and 5dB during the evening;

Sundowner Drive where noise levels would be 10dBA above the intrusive criteria during the daytime; and
Ashworth Estate where noise levels would be 8dBA above the intrusive criteria during the daytime.

Additionally, the predicted maximum night time noise levels resulting from the service station, would exceed the sleep disturbance criteria by approximately 5dBA at Diamond Place.

The Department subsequently commissioned an independent noise consultant, John Wassermann, to review the noise assessment due to concerns about the noise impact of the proposal. The independent review indicated that the noise criteria contained in the assessment was inaccurate. Further more, the noise assessment potentially overestimated the noise generation of the project. This was because the RIC noise prediction model used in the EA, inherently over predicts noise levels for distances greater than 40 metres. The independent review is attached in Appendix G of the report.

A summary of the revised operational noise criteria for the proposal is defined in Table 4.

Table 4: Operational noise criteria for the project

Location	Intrusiveness Criteria			Sleep
	L _{Aeq, 15min} dBA			Disturbance
	Day	Evening	Night	L _{A1, 1minute} Night
Gold Panner Motor Inn	47	45	40	50
13 Ashworth Drive	42	44	41	56
The Scots School	51	45	41	56
22 Cross Street Raglan	44	44	41	56

In response to the independent review, the Proponent revised the noise modelling predictions, based on the train sound power levels contained in the EIS for the International Logistics Centre at Enfield. The revised noise levels were substantially lower than the predicted noise levels contained in the EA, as summarised in Table 5 below.

Table 5: Summary of predicted noise levels (dBA)

Stage 1 Private Siding and Hardstand Loading Area					
Predicted LAeq,15min	Gold Panner	Diamond Close	Sundowner Drive	Ashworth Estate	Scots School
Train on the private siding	31	35	33	27	23
Loading	35-40	38-43 (1)	34-39	28-33	26-31
Combined noise level	36-40	40-44 (2)	37-40	31-34	28-32
Stage 2 Private Siding, Hardstand Loading Area and Warehousing					
Train on the private siding	21	24	33	15	23
Loading	25-30	27-32	33-38	19-24	26-31
Warehouse	44	44(2)	37	37	23
Combined noise level	44	44(2)	40-42	37	29-33
Stage 3 Private Siding, Hardstand Loading Area, Warehousing and Service Station					
Train on the private siding	21	24	33	15	23
Loading	25-30	27-32	33-38	19-24	26-31
Warehouse	44	44(2)	37	37	23
Service Station	4	15	9	6	0
Combined noise level	44	44(2)	40-42	37	29-33
Stage 4 Fully Constructed					
Train on the private siding	21	24	33	15	23
Loading	25-30	27-32	33-38	19-24	26-31
Warehouse	44	44(2)	37	37	23
Highway Uses	39	36	28	28	10
Service Station	4	15	9	6	0
Combined noise level	46	45 (3)	41	38	32
LAeq,15min daytime noise goal	47	42	42	42	51
LAeq,15min evening noise goal	45	42	42	42	45
LAeq,15min night time noise goal	40	41	41	41	41

The revised noise predictions indicate that noise levels from the proposal would generally meet the noise criteria, with the exception of Diamond Close where noise levels could exceed the criterion for up to 3dBA in the daytime and 1dBA in the evening.

The major noise source from the proposal would be from trucks at the warehouses. The noise assessment indicates that LAeq, 15 min noise levels at Diamond Place, however, is already higher than the predicted noise from the proposal, due to noise from trucks using the Great Western Highway. The Department therefore considers that the predicted noise exceedance at Diamond Close is marginal and is unlikely to adversely impact the amenity of these residences. A maximum noise criteria of 45dBA at Diamond Place, is therefore considered acceptable.

The independent review indicates that night time noise levels at Diamond Place were unlikely to cause sleep disturbance. The *Environmental Criteria for Road Traffic Noise* (ECRTN) advises that maximum internal noise levels below 50-55dBA are unlikely to cause an awakening experience. A maximum noise level of between 41 to 56dB(A) was predicted at Diamond Place. As there is likely to be a 10dBA reduction in the predicted noise levels

inside dwellings, the maximum internal levels at Diamond Close would range between 31-46dB(A). It is considered unlikely that these maximum noise levels would cause awakening.

The Department considers that the Proponent has adequately demonstrated that noise impacts would be acceptable and unlikely to adversely impact amenity, during all operational stages of the proposal. The operation of the site would be required to meet noise operational criteria goals, based on the achievable and acceptable noise levels identified in the assessment. The Proponent would also be required to undertake noise monitoring to verify compliance with the defined noise criteria and to investigate and respond to any complaints raised from the community.

Construction Noise

The DEC specifies the following construction noise criteria (*Environmental Noise Control Manual*, Environmental Protection Authority, 1994):

- (a) for periods of four weeks or less, the L_{A10} level should not exceed the background (L_{A90}) level by more than 20dBA;
- (b) for period greater than four weeks and less than 26 weeks, the L_{A10} level should not exceed the background (L_{A90}) by more than 10dBA; and
- (c) for periods longer than 26 weeks, the L_{A10} level should not exceed the L_{A90} level by more than 5dBA.

In addition, construction activities, audible at residential premises are generally restricted to:

- (a) Monday to Friday 7.00am to 6.00pm;
- (b) Saturday 8.00am to 1.00pm; and
- (c) No construction work is to take place on Sundays and Public Holidays.

In order that ensure that impacts from construction noise from the project is minimised, the Proponent will be required to prepare a construction noise management plan to be implemented during construction to ensure compliance with the relevant construction criteria in the *Environmental Noise Control Plan*. The Proponent would be required to comply with the defined construction hours.

5.2 Traffic Management

External Access

Vehicle access to the site would be via the Great Western Highway. The Great Western Highway consists of two undivided lanes. A T-intersection with Ashworth Drive, servicing a neighbouring residential sub-division is located directly opposite the site.

The following access points were proposed in the EA:

- (a) an egress only driveway to service highway frontage uses at the east of the site;
- (b) an ingress only driveway at the centre of the site servicing the highway frontage uses and warehouse at the rear; and
- (c) a combined ingress and egress driveway servicing the service station and highway frontage uses and a designated exit for the terminal delivery vehicles.

A number of submissions, including submissions from Council and from the RTA, raised concern about the location and number of access points to the site. Concern was raised that provision of these access points would restrict existing and future access to neighbouring properties including the existing Ashworth residential estate, a neighbouring site to the west and a pet shop opposite the site. Concern was also raised that road safety along the Great Western Highway would be impeded due to the number of access points and the associated change in vehicle speed.

Council, the RTA and the Western Regional Development Committee, requested that one access point be provided at a signalised intersection at Ashworth Drive. A submission from a neighbour also requested that access be provided via a neighbouring property to the east.

A revised site layout was subsequently outlined in the PPR. The revised layout involved:

- (a) a signalised intersection at Ashworth Drive and the Great Western Highway to provide site access and ingress to vehicles using the intermodal facilities and ingress for vehicles using the Highway Use Development Sites;
- (b) a left-turn-out egress for vehicles using the Highway Use Development Sites towards the eastern end of the site; and
- (c) a left-in and left out ingress and egress to the service station towards the western end of the site.

This is outlined on Figure 2.

The RTA and Council support the revised site access points and the Department concurs with this recommendation. As the provision of the signalised intersection is integral for the safe and efficient use of the Great Western Highway, the Proponent will be required to provide details of the roadwork and upgrades as part of the Stage 1 Project Application. The proposed roadworks are to be prepared in consultation with Council, to the satisfaction of the RTA. The Proponent would be required to dedicate land from the site for the purposes of any required road widening. The construction of the signalised intersection at Ashworth Drive is to be fully funded by the Proponent and to be completed during construction of Stage 1 of the Concept Plan.

Traffic Generation

The EA predicts that the proposal is likely to generate the following level of traffic:

Table 6: Summary of Traffic Generation

Land Use	Calculated Rate	Peak hour trips	Daily trips
Bulky Goods 5625m ² (50% of the Highway Use Development Site)	<i>RTA Guide to Traffic Generating Development</i> (based on Moore Park Super Centre) 2.5 peak hour trips/100m ²	141 vehicles /hr	1410 vehicles/day
Warehousing 5625m ² (50% of the Highway Use Development Site)	<i>RTA Guide to Traffic Generating Development</i> 0.5 peak hour trips/100m ²	28 vehicles/hr	280 vehicles/day
Containerised Goods Storage Areas and Regional Terminal Warehousing	Traffic has been predicted by the Proponent based on number of containers being transported to and from the site by rail, namely: 3/trains/day results will 234 containers 141 trucks need to transport containers (namely 80% carry 2 containers and 20% carry 1 containers)	29 vehicles/hr	282 trucks/day
Total		198 vehicles/hr	1972 vehicles/day

The Proponent contends that whilst the proposal will not reduce traffic in the immediate surrounds of the site, it should reduce the number of long distance truck movements to and from Sydney and Melbourne.

The traffic generation predictions in the EA are approximately 10 times lower than traffic predictions would be if the *RTA Guide to Traffic Generating Developments* (the RTA Guide) had been used. This is because traffic generation of Containerised Goods Storage Areas and the Regional Terminal Warehousing was calculated based on the number of containers transported to the site by train. In the event that the Regional Terminal Warehousing is used for storage not associated with train transportation, however, traffic levels would be substantially higher.

The traffic generation of the Highway Use Development Sites has based on 50 percent of this component being used as bulky goods retailing and 50 percent as warehousing. In the event that all Highway Use Development Sites were used by bulky goods retailers, however, 112 additional peak hours trips would be (based on the RTA Guide).

To ensure that the traffic generation of all components of the site are identified, and that the associated road upgrades are adequate, a maximum cap of 2000 traffic movements per day from the site has been included as an Environmental Control in the Instrument of Approval. This cap on traffic movements is consistent with the traffic predictions contained in the EA. The Proponent would also be required to undertake traffic monitoring to demonstrate compliance with this control and identify measures to respond to non-compliance.

The Department considers that the assessment and recommendations ensure that traffic impacts of the project can be adequately managed.

The Proponent would be required to seek a modification to the consent, in the event that the proposal was to generate traffic in excess of 2000 traffic movement per day.

Parking

The EA has utilised the *RTA Guide to Traffic Generating Developments*, December 2002 (the RTA Guide), *Bathurst Regional Council's Car Parking Code* and surveyed parking demands of similar type developments, in order to identify the parking requirements for the frontage works, warehousing and storage areas of the intermodal facility.

The EA indicated that the 465 car parking spaces would be provided on the site. The PPR subsequently reduced the number of parking spaces provided to 428, as outlined in Table 7 below.

Table 7: Summary of parking

Land Use	Calculated Rate	Calculated Demand	Parking Spaces Provided
Regional Terminal Warehousing - Ground Floor (47,275m ²)	<i>RTA Guide to Traffic Generating Developments</i> and Council's Car Parking Code 1 space/300m ²	158	170
Highway Development Use Site (11250m ² bulky goods retailing)	Survey of four bulky goods retailing facilities in Sydney in 2002. 1 space/62.2m ² of gross leasable area.	180	195
Administration Building (1060m ² , employing 6-8 people)	EA estimates 1 car space/employee + visitor parking	10	10
Truck Stop - Rail Engineers Accommodation Building (10 rooms and 2-3 employees)	<i>RTA Guide to Traffic Generating Developments</i> 1 truck parking space/motel room + 1 car space/2 employees. The EA estimates there would be no parking required from rail workers as they will arrive at the site by train.	10 truck spaces + 2 car spaces	10 truck spaces + 2 car spaces
Forklift maintenance Facility (2-5 employees)	EA estimates 1 car space/employee	5 spaces	14 spaces
Public Service Station (520m ²)	<i>RTA Guide to Traffic Generating Developments</i> 5/100m ² of GFA for convenience store 15/100m ² of GFA for restaurant.	26	32

No parking has been provided for the Containerised Storage Areas of the site, constituting 52,000m². The Proponent considers that these areas would not generate parking, as they would only be used for set down and sorting of freight. The RTA Guide, however, states that parking for container depots should be calculated based on a survey of parking demands for similar type developments.

The RTA Guide recommends that 1 car space per 300m² GFA should be provided for warehousing facilities. The parking calculation for the Regional Terminal Warehouses, however, has been based on the gross floor area for the ground floor only, with the mezzanine floor area excluded from the calculation. The Proponent has stated that at least 10 to 15 percent of the warehouse floor area would be loading docks which would not generate any parking requirements. As the mezzanine level is of similar size to the loading docks, it was excluded from the calculation.

At this stage, the Department considers that refinements in the design and use of the Containerised Storage Areas and Regional Terminal Warehousing could result in additional parking demands. The Department considers that there is sufficient land on site, however, to enable minor changes and/or reductions in the container storage areas and warehousing, in the event that additional parking is required. The Proponent is therefore required to ensure there is sufficient parking on site to accommodate all the parking demand generated by development on the site in a safe and orderly way.

5.3 Visual Impact

Urban Design and Landscaping

The visual assessment in the EA noted that the visibility and visual impact of the proposal would be limited at adjoining properties, due to the low elevation of the site. Though greater portions of the proposal would be seen from elevated viewpoints further from the site, such as Mount Panorama, the visual impact would be limited by distance. The EA therefore concludes that the visual impact of the proposal would be low.

The Proponent proposes to landscape the site to limit the visual impact of the proposal and improve the amenity of site users. Key elements of the landscaping program include:

- (a) planting of Lombardy Poplars and native and pasture grasses on the Council's road reserve on the Great Western Highway, consistent with *Bathurst Regional Council's Vegetation Management Plan 2003*;
- (b) planting of exotic and native trees in the public areas including frontage uses and petrol station;
- (c) staged removal of the willows along the creek and creek restoration; and
- (d) replanting of areas of the site with endemic plants species including Box Gum Woodland and Allocasuarina Open Woodland species.

A submission from an owner of a property located opposite the site raised concern that the proposal would be visually obtrusive. In response, the Proponent provided the perspective drawing, Figure 4, from a location close to the impacted property. Figure 4 indicates that the visibility of the proposal would be limited due to the proposed landscaping at the front of the site.

Figure 4: Perspective of the proposal from the opposite side of the Great Western Highway



A submission from Council supported the landscaping plan, however, further details of the planting, timing and maintenance program was requested. A submission from the Department of Natural Resources noted that the willow removal should be consistent with the guideline “*Best Management Principles for Willow Clearing on Riparian State Protected Land*” (DLWC, 19991).

The Department considers that the proposal will result in a more intensified development of the site than has occurred on neighbouring industrial sites. The visibility of the proposal from the residential subdivisions of Ashworth Drive and Diamond Place, however, would be largely screened by existing and approved bulky goods developments. Views of the proposal from the Scots School, south of the site, would be partially screened by existing landforms. As undeveloped land between the Scots School and the site is zoned industrial, future screening of the proposal is likely. The Department therefore considers that the visual impact of the proposal would be limited and acceptable.

The Department considers that the proposed frontage landscaping, riparian restoration works and general site landscaping is needed to minimise the visual impact of the proposal. The Proponent would be required to provide a detailed Landscape Plan in project applications for each stage of the Concept Plan. The Landscape Plan(s) is to be developed in consultation with Council. The Proponent would also be required to prepared a plan for the restoration of the watercourse and riparian zone on the site as part of the Stage 1 Project Application.

Lighting

The Orana Regional Environmental Plan (REP) No. 1 – Siding Springs identifies a Dark Skies Region, extending 200 kilometres around the Siding Spring Observatory in Coonabarabran. Whilst the site falls outside of this Dark Sky Region there are a number of observatories within or the near the Bathurst LGA who's operation could be adversely impacted from lighting. The Concept Plan EA has therefore outlined a number of measures that would be incorporated to ensure that night-time lighting is controlled to minimise levels of light spill/glow and avoid adverse impact on the Dark Skies Region, as well as on nearby residential areas and adjacent land uses.

Two submissions from local observatories requested that lighting be controlled to protect the night sky. One of the submissions suggested that the proposal be relocated to minimise impact on the night sky of the region.

Council recommended that a lighting plan be developed and approved prior the commencement of construction. The Proponent will therefore be required include an external lighting plan, consistent with the requirements of AS 4282 – 1997: *Control of Obtrusive Effects of Outdoor Lighting*, in project applications for each stage of the Concept Plan.

5.4 Flora and Fauna

The EA indicates that the conservation value of the site is poor due to the history of urban, industrial and agricultural land uses, and the land clearing associated with it. Desk top studies and field surveys indicated that there were unlikely to be any regionally significant flora species or habitat favoured by threatened fauna species on the site. The assessment therefore concluded that the proposal was unlikely to result in significant impacts on threatened species or ecological communities. The Proponent proposes to rehabilitate the waterway and install water quality ponds, in order to improve habitat and water quality on site.

The DEC and DPI support the rehabilitation and mitigation measures outlined in the Statement of Commitments (SOC). DNR noted that removal of willows should be consistent with relevant government guidelines. Council also support the rehabilitation of the waterway but have requested that further details of staging and maintenance of the program be provided.

The Department agrees that the proposal would result in limited adverse impact on flora and fauna on site. The Proponent would be required to include a detailed plan of the proposed restoration of the watercourse and riparian zone on the site as part of the Project Application for Stage 1. The plan would be developed in consultation with Council and the DNR, and would describe measures to: restore the creek and riparian zone; integrate the works into the proposed landscaping 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. The Proponent would be required to monitoring the performance of the restoration works to ensure it is maintained at a standard satisfactory to the Director-General. .

5.5 Soil and Water

A key element of the Concept Plan involves earthworks and grading of the site, to accommodate the rail sides, hardstand and internal roads through the site. The Concept Plan will also involve rehabilitation of the main waterway and piping of the drainage channel adjacent to the Great Western Highway.

The Proponent proposes to harvest rainwater from roofs for toilet flushing, irrigation and fire services, with storage tanks of approximately 1.6 million litres in capacity. Water would be treated and controlled on site via settling tanks, stormwater detention ponds and water quality control ponds. Velocity control devices would be installed on site to protect the downstream water course from scouring and collapse. The hardstands would be graded to restrict stormwater running onto the railway corridor.

Soil studies in the EA indicate that there is a limited risk of contamination on the site that would preclude the site from ongoing use. The Proponent states that a mitigation plan to segregate, neutralise and immobilise contaminants would be undertaken, in the event that contamination was identified from sampling during construction. The EA does not contain details of the earthworks required to grade the site.

DEC and DPI have noted that soil and water management controls should be designed and installed in accordance with relevant government guidelines. DNR noted that in the event that water from the water quality ponds is used for irrigation, the Proponent would be required to conform with exemptions from the Farm Dams Policy.

The Proponent would be required to include a detailed stormwater management scheme in the Project Application for Stage 1, demonstrating that the project would not result in any increase downstream flooding impacts. The Proponent would also be required to include a detailed stormwater management plan, developed in consultation with Council, in each subsequent project application.

To ensure that erosion and sediment controls are adequately managed during construction, the Proponent would be required to include a soil and water management plan in the project application for each stage of the project. The Proponent would also be required to ensure that any water discharged from the water quality ponds on the site comply with water quality objectives defined in the Instrument of Approval and undertake monitoring of the water quality during the life of the development.

The Department notes that no information has been provided about proposed earthworks that would be required to be undertaken on the site. The Proponent has indicated, however, that the import and export of spoil and fill on and off the site is unlikely. An environmental control outlined in the Instrument of Approval, therefore, requires that no import or export of fill associated with the project occur, unless approved in a project application. The Proponent would be required to provide details of the of the soil and fill requirements as part of the project application.

Council has requested that contributions be provided by the Proponent, in accordance with the *Section 94 Contribution Plan Raglan Creek Stormwater Drainage Management*, Bathurst Regional Council, December 1992. The Section 94 contributions would fund the stormwater management for development within the Raglan catchment area. The Proponent is therefore required to pay Council contributions required under the Section 94 plan prior to the implementation of each stage of the Concept Plan.

5.6 Rail Crossings

The RTA and the Western Regional Development Council requested that further traffic modelling be undertaken about the impact of the proposal on the rail crossing at Barley Street, Raglan, particularly in relation to the additional generation of rail traffic resulting from the proposal.

The rail crossing at Barley Street is a level crossing with passive signage. The Proponent has suggested the additional trains resulting from the proposal would not be significant and would have no more impact than if

additional rail traffic was generated by rail customers west of Bathurst. The Proponent considers that ARTC and RIC are responsible for undertaking risk assessments and any required upgrades.

The Department considers that the contribution of a maximum of three additional trains a day from the site is unlikely to impact the rail crossing. Furthermore, the Department considers that any increase in the number of trains using the Great Western Railway is a decision of ARTC and their licensing process. The ARTC would consider the associated risk to rail crossing when granting licenses to utilise the rail line.

As road traffic from the site would feed directly onto the Great Western Highway, it is unlikely to impact the operation of the railway crossing at Barley Street.

5.7 Other Issues

Other environment issues raised during the assessment process and the Department's consideration of the issues are summarised in Table 8 below.

Table 8: Summary of Additional Environmental Issues

Issue	Recommendation
Land Use	Council raised concern that the proposal was inconsistent with the objectives of the 1(a) General Rural Zone under LEP 1997, in particular, the objective that development supports the continued viability of agricultural and rural development, protects the rural character of the locality and restricts unnecessary conversion of prime agricultural land to non-agricultural land uses. The site has been used as a quarry for a number of years, and is bordered by industrial zoned land to its south, east and west. The Department therefore considers the proposed development is consistent with objectives of LEP 1997 and with the surrounding land use.
Project Staging	Council raised concern that Highway Use Development Sites could be developed on prior to the intermodal terminal facilities. The EA, however, indicates that the Highway Use Development Sites would not be developed until the final stage of the project. The Proponent would be required to develop the proposal in accordance with this staging plan, unless otherwise agreed by the Director-General.
Justification and Demand	The Transport Strategy Division of the Department raised concern that there was insufficient demand for a rail freight terminal in Bathurst, given that the approved intermodal at White Rock Road, Kelso, was yet to be constructed. The Proponent considers that there is adequate demand to support the current project. The Department considers that the site is appropriately located for an intermodal terminal.
Train Operations	The Transport Unit raised concern that the proposed rail sidings would not accommodate a 600 metre length train, contrary to the Freight Infrastructure Advisory Board's recommendation. The Unit also asked whether trains from the west could enter the site. The Proponent has indicated that the siding could accommodate trains up to 582.9 metres in length. At this stage, trains of maximum of 567 metres in length would utilise the site, so that no more than two locomotives would be required between Sydney and Bathurst. The Proponent has indicated that trains from the west could be piloted in and out of the site, if required. ARTC approval of an access agreement, connection agreement and interface safety plan, would be required prior operation of the rail sidings. The Department considers this is adequate.
Flooding	The site does not have a history of flooding. Council has recommended that floor levels be at least 500mm above the existing levels of the site in relation to the fall of the water course. This has been incorporated into the recommended Conditions of Approval. Council has also recommended that piping of the drainage line be designed for a 1:100 year flood. The Proponent would be required to prepare a detailed stormwater management scheme for the whole site, in consultation with Council, as part of the Project Application for Stage 1. The Stormwater Management Scheme would be implemented to ensure that there is no increase in the downstream flooding impacts as a result of the proposal. The proposal should therefore not increase the risk of flooding in surrounding areas.

Public Transport	Council and DoH requested that pedestrian and cycle links and public transport links be provided to the site. The PPR made provision for a bus stop outside the site. A bus stop opposite the site is already being provided, as part of the consent for a neighbouring bulky goods development. Safety of pedestrian and cycle access to the highway frontage uses has been improved. Public access to the regional warehouse, open stand areas, and rail siding would be restricted.
Heritage	No indigenous sites or artefacts were identified in the desktop study, site survey and from consultation with the Bathurst Local Land Council. As the site is extensively disturbed, the EA concluded there was a low potential for the presence of undetected, intact, sub-surface archaeological deposits. The DEC concurred with this finding. The site does not contain any heritage items, and is not in a conservation area under the Bathurst LEP, 1997. The Proponent has committed to cease construction in the specified area and consult with the relevant authorities, should archaeological material or heritage items be exposed during construction.
Waste	The Proponent has noted that details of waste management for construction and operation of the project would be assessed as part of the relevant project applications. Council recommended a number of conditions be imposed in relation to the management of waste. The Proponent would be required to include a construction waste management plan, describing measures to manage waste from the development as part of the project application for Stage 1. As uses of the Regional Warehousing sites and Highway Use Development Sites are not determined, controls on waste would be determined by future applications.
Air Quality	The EA indicated that the proposal would be unlikely to have a detrimental impact on air quality. A number of submissions raised concern about the potential dust impacts from the proposal and from traffic. The Proponent would be required to implement all reasonable and feasible measures to minimise dust generated by the site.
Hazards	The Proponent has committed that the proposed underground fuel storage tank will be designed and installed in accordance with BCA standard and operated in accordance with EPA Guidelines. The Proponent has also committed to manage and control fire risk in accordance with statutory requirements. Should use of Regional Warehousing Site or Highway Use Development Sites involve hazardous or offensive goods, materials or products, they would be subject of further project applications.
Contamination	A preliminary contamination study undertaken by the Proponent indicates that there is a moderate to low risk of asbestos contamination in the area of the site previously occupied by a quarry and a negligible to very low risk of contamination in the area of the site previously occupied by an orchard. The Proponent would be required to employ a suitably qualified and experienced expert to ensure that the land upon which construction would occur, is suitable for the proposed development.

6. CONCLUSION

The Department has assessed the proposal and is satisfied that it would provide significant economic, social and environmental benefits to both NSW and the Bathurst Region.

The project would:

- (a) attract a capital investment of approximately \$100 million;
- (b) provide jobs for 200 people during construction and 300 people during operation;
- (c) potentially result in a substantial transfer of long distance freight travel from road to rail;
- (d) potentially reduce the number of heavy vehicles transporting freight from the Bathurst Region to major ports in New South Wales, and potentially Queensland and Victoria; and
- (e) is consistent with the NSW's government objective of encouraging greater opportunities for freight transportation via rail.

The Department considers that the location of the site between the Great Western Highway and Great Western Railway is suitable for an intermodal terminal. The Department is satisfied that the environmental impacts of the project can be adequately mitigated through Conditions of Approval, Statement of Commitments and subsequent project applications.

Consequently, the Department believes that the proposal is in the public interest and should be approved subject to conditions.

7. RECOMMENDATION

It is recommended that the Minister:

a) consider the findings and recommendations of this report;
approve the concept plan approval under Section 75O(2) of the Act, and subject to the conditions; and
sign the attached instrument of approval (Attachment B).

David Kitto
A/Director Major Development Assessment

Chris Wilson
Executive Director

Sam Haddad
Director General

APPENDIX A – RECOMMENDED CONDITIONS OF APPROVAL

APPENDIX B – STATEMENT OF COMMITMENTS

APPENDIX C – RESPONSE TO SUBMISSIONS

APPENDIX D – SUBMISSIONS

APPENDIX E – ENVIRONMENTAL ASSESSMENT

APPENDIX F – ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

The assessment of the proposed development is subject to the following environmental planning instruments and strategies:

- *State Environmental Planning Policy (Major Projects) 2005;*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy No. 55 – Remediation of Contaminated Land;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage; and*
- *Bathurst City Council Local Environmental Plan 1997.*

Consideration of the proposed development in the context of the objectives and provisions of these environmental planning instruments is provided below.

State Environmental Planning Policy (Major Projects) 2005

The Major Projects SEPP identifies development to which Part 3A of the Act applies. Clause 23 of Schedule 1 of the Major Projects SEPP includes development that has a capital investment of more than \$30 million for the purpose of railway freight facilities or inter-modal terminals.

The proposed Regional Road/Rail Terminal at Kelso has a capital value of \$100 million. The Department is satisfied that the proposed development meets the requirements of Schedule 1 of the Major Projects SEPP.

State Environmental Planning Policy No. 33

State Environmental Planning Policy No. 33 – Hazardous and Offensive Industries would apply to the development in the event that goods, materials or products stored on the site, would have the potential to be hazardous or offensive as defined by the SEPP, and would potentially pose a significant risk or impact on the locality or future development of the locality when measures to minimise the risk and polluting discharges have been employed.

The Concept Plan does not propose activities that would be hazardous or offensive under the SEPP No. 33. Should use of the Regional Warehouse Facilities or Highway Use Development Sites propose a use that would be hazardous or offensive under the SEPP, they would be subject to further assessment and approvals. Such assessment would need to demonstrate compliance in respect of the management of hazardous and offensive goods, and address considerations under the SEPP.

State Environmental Planning Policy No. 55

State Environmental Planning Policy No. 55 requires that the consent authority not approve a development, unless consideration has been given to whether the land is contaminated. A preliminary contamination study undertaken by the Proponent indicates that there is a moderate to low risk of asbestos contamination in the area of the site previously occupied by a quarry and a negligible to very low risk of contamination in the area of the site previously occupied by an orchard. The study concluded that there would be negligible risk of contamination on the site, subject to adoption of recommendations in the report. The risk of contamination would not prevent the safe development of the site. The Concept Plan should therefore comply with the requirements of SEPP 55.

State Environmental Planning Policy No 64– Advertising and Signage

SEPP 64 requires that the consent authority consider whether proposed signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality and finishes. SEPP 64 applies to all signage that is visible from a public place or public reserve, unless it is classified as exempt development under a relevant Environmental Planning Instrument.

The Concept Plan does not provide details of signage. These details would be included in future assessment and approvals. The Proponent has committed that signage would comply with the requirements of SEPP No. 64 and any requirements for signage defined by Bathurst Regional Council.

Bathurst Local Environmental Plan 1997

The *Bathurst Local Environmental Plan 1997* was the relevant Local Environmental Plan when the EA was exhibited in February 2006. At the time of exhibition, the site was zoned 1(a) Rural Zone under the *Bathurst Local Environmental Plan 1997* and was permissible with development consent, subject to consistency with the zone objectives.

The *Bathurst Local Environmental Plan 1997* was subsequently repealed in April 2006. The *Bathurst Regional (Interim) Local Environmental Plan 2005* was gazetted in April 2006 and is now the relevant LEP for the site.

Bathurst Regional (Interim) Local Environmental Plan 2005

The *Bathurst Regional (Interim) Local Environmental Plan 2005* sets out the aims and objectives of the development within the Bathurst Regional local government area (LGA). The objectives of LEP 2005 are now relevant to the proposed development are:

- 1 (a) to support and maintain the continued viability of agricultural development in rural areas near the urban areas of Bathurst.

A large component of the site was used as an abattoir and a quarry for a number of years. The site is fairly degraded and is unlikely to support agricultural development. As the site is surrounded by industrial zone land, the proposed use is considered appropriate.

- 1(b) to enable development that is appropriate for broad acre productive land used for grazing and cropping to be carried out.

As noted above, a large component of the site has been used as a quarry for a number of years and is fairly degraded. It is unlikely that the site would be appropriate for broad acre productive land for grazing and cropping.

- 1(c) to provide 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;

As the site is fairly degraded it would not involve conversion of prime crop and pasture land to a non-agricultural land use. Industrial zoned land is located east, south and west of the site. It is not considered that the site would be incompatible with land uses in the Inner Rural zone, or with land uses surrounding the site.

- 1(d) to protect and conserve the scenic environment by controlling the location of buildings and materials used, particularly in development adjacent to the major road or located within a scenic protection area or within an identified remnant bushland area.

The Proponent proposes to landscape the site along the Great Western Highway, consistent with *Bathurst Regional Council's Vegetation Management Plan 2003*. The assessment has indicated that this would limit the impact of the proposal on the surrounding environment. The Proponent also proposes to rehabilitate the waterway and riparian zone on the site, to improve habitat and water quality on site. This is consistent with the objective of LEP 2005.

- 1(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.

Use of the site as a quarry has been stopped. There are no known mineral leases on the site. The proposed use is therefore considered consistent with the objective of this zone.

- 2 Development for the a variety of land uses, including road transport terminal, is usually not consistent with the objectives of this zone.

The site is surrounded by industrial zoned land on its eastern, southern and western boundaries. As the site is fairly degraded and it is located directly between the Great Western Railway Line and the Great Western Highway it is considered a suitable location for an intermodal terminal.

APPENDIX G – INDEPENDENT NOISE ASSESSMENT
