

Concept Plan Approval

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

I, the Minister for Planning:

- determine to approve the concept plan referred to in Schedule 1, under section 75O *Environmental Planning & Assessment Act 1979* (EP&A Act), subject to the modifications in Schedule 2;
- determine, under section 75P(1)(b) of the EP&A Act, that approval to carry out the project or any particular stage of the project is to be subject to the provisions of Part 4 of the EP&A Act; and
- determine, under section 75P(2)(c) of the EP&A Act, that further environmental assessment of the project or any particular stage of the project is to be undertaken in accordance with the requirements in Schedule 2.

This consolidated instrument includes the following approved modifications:

- a) under section 75W on 16 January 2012 (MOD 1);

Frank Sartor MP
Minister for Planning

Sydney

2007

SCHEDULE 1

Application No:	05_0072
Proponent:	Terminals Australia Pty Ltd
Approval Authority:	Minister for Planning.
Land:	Lot 6 DP 857631; Lot 1 DP 859593; Lot 98 DP 750179; Lot 99 DP750179; Lot 1 DP 1082995; and a portion of Brolgan Road, Parkes
Concept Plan:	Construction and use of an intermodal freight terminal and associated infrastructure.
Modification:	(MP 05_0072 MOD 1) to delete condition 7 containing the lapsing provisions and to update references to names of agencies and relevant guidelines.

SCHEDULE 2

DEFINITIONS

BCA	Building Code of Australia
Concept Plan	Concept plan for the proposed intermodal terminal and associated infrastructure, as depicted generally in the figure in Appendix 1, and described in the environmental assessment in support of the concept plan application and the preferred project report for the project, dated February 2007
Council	Parkes Shire Council
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure (or delegate)
DNR	Department of Natural Resources (deleted)
EA	Environmental assessment submitted in support of the concept plan prepared by GHD, and dated February 2006
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	Evening is defined as the period from 6pm to 10pm
Minister	Minister for Planning and infrastructure
Night	Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PPR	Preferred project report prepared by GHD, and dated February 2007
Proponent	Terminals Australia Pty Ltd, or its successors in title
RMS	Roads Maritime Services
SEPP 33	<i>State Environmental Planning Policy 33 - Hazardous and Offensive Development</i>
Site	Land to which the concept plan application applies (see Schedule 1)
Statement of Commitments	See Appendix 2

GENERAL TERMS OF APPROVAL

1. Subject to the modifications required in condition 4, concept plan approval is granted for:
 - (a) bulk earthworks across the site;
 - (b) construction and use of an intermodal freight terminal and associated infrastructure, including rail sidings, container storage areas, administrative facilities, warehousing, and rail service facilities; and
 - (c) provision of essential services to the site.
2. Future development on the site shall be in general accordance with the:
 - (a) concept plan for the intermodal terminal, as depicted generally in the figure in Appendix 1;
 - (b) EA;
 - (c) PPR; and
 - (d) statement of commitments.
3. If there is any inconsistency between the above, then the most recent document shall prevail to the extent of the inconsistency. However, the modifications to this approval shall prevail to the extent of any inconsistency.

MODIFICATIONS TO THE CONCEPT PLAN

4. The following modifications are made to the concept plan:
 - (a) the **Hartigan Avenue/Forbes Street/Bogan Street Intersection** must be upgraded to the satisfaction of the RMS prior to any operations occurring on the site;
 - (b) the intensity of operations on site must be restricted to ensure the intermodal terminal and associated uses does not generate more than 2,200 vehicle movements a day;
 - (c) the specific measures proposed for the upgrade of the **Brolgan Road/Parkes-Narromine Railway Crossing** and **Condobolin Road/Parkes-Narromine Railway Crossing** are not

- approved, and must be determined in consultation with the **RMS** and Council at the development application stage;
- (d) the proposed treatments of the **Brolgan Road/Main Western Railway Crossing** and **Northern Access Road/ Parkes-Narromine Railway Crossing** are not approved, and must be determined in consultation with the **RMS** and Council at the development application stage;
 - (e) the proposed access points from the site to Brogan Road are not approved, and must be determined in consultation with the **RMS** and Council at the development application stage, however, the number of access points should be kept to a minimum, and any access points provided must have adequate sight distances at the current speed limit on Brogan Road.

LIMITS ON APPROVAL

- 5. This approval does not allow any development to be carried out on the site. The Proponent shall submit detailed development applications to Council for the implementation of the modified concept plan.

DEVELOPMENT APPLICATION REQUIREMENTS

- 6. The Proponent shall ensure that the development applications for the implementation of the various stages of the Concept Plan include:
 - (a) a detailed description of the proposed layout and design of any development on site, including a demonstration that the proposed development would be consistent with the modified concept plan;
 - (b) an infrastructure plan demonstrating that suitable arrangements would be made to provide the necessary services to the site, and/or contribute towards the provision of these necessary services;
 - (c) a traffic/transport assessment demonstrating that the traffic generated by the proposed development would be safely accommodated by the surrounding road/rail network, including a detailed description of any proposed road/rail works;
 - (d) a noise assessment demonstrating that:
 - the construction noise generated by the proposed development would comply with the relevant criteria in the **Interim Construction Noise Guidelines (DECC, 2009)**;
 - the operational noise generated by the proposed development and any other development on site (including any train noise) would not exceed the following noise criteria at any sensitive noise receivers on privately-owned land:
 - 35 dB(A) $L_{Aeq}(15 \text{ minute})$ during the day, evening, and night periods; and
 - 45 dB(A) $LA_{1(1 \text{ minute})}$ during the night period;
 - the traffic noise generated by the proposed development would comply with the **NSW Road Noise Policy (DECCW, 2011)**; or alternatively, that all reasonable and feasible mitigation measures would be implemented to minimise the traffic noise impacts of the proposed development on any sensitive receivers along the designated transport routes;
 - (e) a detailed stormwater management scheme for the site;
 - (f) an assessment of the hazardous or potentially hazardous impacts of the proposed development in accordance with the provisions of SEPP 33 and its associated guidelines, and detailed description of the measures that would be implemented to minimise these potential impacts;
 - (g) a detailed landscape plan demonstrating that the proposed development would be suitably screened to protect or enhance the visual amenity of surrounding landowners;
 - (h) an external lighting plan demonstrating that no outdoor lights would shine above the horizontal;
 - (i) a construction management plan, containing a:
 - traffic management plan;
 - noise management plan;
 - dust management plan;
 - soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction guidelines*; and
 - waste management plan; and
 - (j) a community consultation and complaints program.

LIABILITY TO LAPSE

7. Deleted

APPENDIX 1 CONCEPT PLAN

APPENDIX 2
PROPONENT'S STATEMENT OF COMMITMENTS