

## Concept Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission of NSW determines:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the future assessment requirements in Schedule 3, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*;
- (b) under section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979* that approval to carry out the development the subject of the Concept Plan is to be subject to Part 4 Division 4.1 of the Act; and
- (c) under section 75P(2)(c) of the *Environmental Planning and Assessment Act 1979* future development is subject to Part 4 Division 4.1 of the Act, and that development is subject to the future assessment requirements specified in Schedule 3 of this approval.



Garry West  
Member of the Commission



David Johnson  
Member of the Commission



Donna Campbell  
Member of the Commission

Sydney

29 September 2014

#### SCHEDULE 1

**Application No.:**

MP10\_0193

**Proponent:**

Sydney Intermodal Terminal Alliance (SIMTA)

**Approval Authority:**

Minister for Planning

**Land:**

**Intermodal site:** Land generally described as being located on the eastern side of Moorebank Avenue, between Anzac Road and the East Hills Passenger Line, Moorebank (Lot 1 in DP 1048263); and  
**Rail corridor:** Land generally described as being located between the intermodal site and the East Hills Passenger Line to the south, part of the East Hills passenger Line/Commonwealth Land to the southwest, and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:

- Lot 3001 DP 1125930
- Lot 1 DP 825352
- Lot 2 DP 825348
- Lots 1 & 2 DP 1061150
- Lot 1 DP 712701
- Lots 5 – 7 in DP 833516
- Lot 51 in DP 515696
- Lot 52 DP 517310
- Lots 101 – 104 DP 1143827
- Lot 91 DP 1155962
- Lot 4 DP 1130937
- Conveyance Book 76 Number 361
- George's River, Crown Land

**Project:**

The Concept Plan involves the use of the site as an intermodal facility, including a rail link to the Southern Sydney Freight Line within an identified rail corridor, warehouse and distribution facilities, freight village (ancillary site and operational services), stormwater, landscaping, servicing and associated works.

## TABLE OF CONTENTS

<b>DEFINITIONS</b>	<b>3</b>
<b>1. TERMS OF CONCEPT PLAN APPROVAL</b>	<b>4</b>
Limits of Approval	4
Statutory Requirements	5
<b>2. FUTURE ASSESSMENT REQUIREMENTS</b>	<b>6</b>
General Requirements	6
Air Quality	6
Traffic and Transport	7
Rail	8
Noise and Vibration	8
Soil and Water	9
Heritage	9
Visual Amenity, Urban Design and Landscaping	9
Biodiversity	10
Section 94 Contributions	10
Waste	10
Hazards and Risks	10
Freight Village	10
Bushfire Management	11
Environmental Risk Analysis	11

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## DEFINITIONS

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Concept Plan</b>	The concept plan the subject of this approval
<b>Concept Plan Approval</b>	Approval granted for development in accordance with the <i>Environmental Planning and Assessment Act, 1979</i>
<b>Concept Plan Site</b>	Land as described in Schedule 1 of this approval.
<b>DP&amp;E</b>	Department of Planning and Environment.
<b>DPI</b>	Department of Primary Industries.
<b>DoE</b>	Commonwealth Department of the Environment
<b>EHPL</b>	East Hills Passenger Line
<b>EA</b>	Environmental Assessment as described in 1.1 of this approval
<b>EPA</b>	Environment Protection Authority
<b>MIT</b>	Proposed Moorebank Intermodal Terminal
<b>NOW</b>	NSW Office of Water
<b>OEH</b>	Office of Environment and Heritage
<b>Project</b>	Development as described in the Concept Plan
<b>Proposal</b>	SIMTA Intermodal facility
<b>Proponent</b>	Sydney Intermodal Terminal Alliance (SIMTA)
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre)
<b>Regulation, the</b>	<i>Environmental Planning and Assessment Regulation, 2000</i>
<b>RMS</b>	Roads and Maritime Services
<b>RtS</b>	Response to Submissions
<b>Secretary</b>	Secretary of the Department of Planning and Environment (or delegate)
<b>SSFL</b>	Southern Sydney Freight Line
<b>TEU</b>	Twenty-foot Equivalent Units (containers)
<b>TfNSW</b>	Transport for NSW
<b>VPA</b>	Voluntary Planning Agreement

## **SCHEDULE 2**

### **1. TERMS OF CONCEPT PLAN APPROVAL**

- 1.1 The Concept Plan approval shall be undertaken generally in accordance with:
- a) Major Project Application 10\_0193;
  - b) the *Environmental Assessment SIMTA Sydney Intermodal Terminal Alliance Part 3A Concept Application*, Volumes 1-4, prepared by Urbis and dated March 2012
  - c) the *Environmental Assessment SIMTA Sydney Intermodal Terminal Alliance Transitional Part 3A Concept Application*, Volumes 1-4, prepared by Urbis and dated August 2013;
  - d) the *SIMTA Sydney Intermodal Terminal Alliance Submissions Report* (including final Statement of Commitments), prepared by Urbis and dated December 2013; and
  - e) the terms of this approval.
- 1.2 In the event of an inconsistency between:
- a) the terms of this Concept Plan approval and any document listed from term 1a) to 1e) inclusive, the terms of this Concept Plan approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from terms 1a) to 1e) inclusive, and any other document listed from terms 1a) to 1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 If there is any inconsistency between this Concept Plan approval and any related approvals (being those approvals subject to the requirements of this Concept Plan), this Concept Plan approval shall prevail to the extent of the inconsistency.

### **Limits of Approval**

- 1.4 Pursuant to section 75Y(1) of the Act this Concept Plan approval shall lapse ten years after the date on which it is granted, unless construction works are physically commenced on or before that date.
- 1.5 To avoid any doubt, this Concept Plan approval does not permit the construction or operation of any part of this project, which will be subject to separate approval(s) under the Act.
- 1.6 Projects carried out under this this Concept Plan must be operated with the objective of not exceeding the capacity of the transport network, including the local, regional and State road network. The container freight road volume must not exceed 250,000 TEUs, subject to the exception identified in 1.7, which may only be considered after the facility has been in operation.
- 1.7 The movement of container freight by road may exceed the 250,000 TEU limit by up to a further 250,000 TEU, if the consent authority of a subsequent Development Application is satisfied that traffic monitoring and modelling of the operation of the facility demonstrate that traffic movements resulting from the proposed increase in TEU will achieve the objective of not exceeding the capacity of the transport network.
- 1.8 In determining the TEU limit, the consent authority may take account any roadworks or mitigation measures proposed under a Voluntary Planning Agreement to minimise traffic impacts.
- 1.9 Prior to the determination of any future Development Application pursuant to this Concept Plan, the Proponent shall provide written evidence to the Secretary that it has executed a Voluntary Planning Agreement with the relevant authority consistent with terms outlined in the Revised Statement of Commitments, except for the terms relating to road infrastructure upgrades and when they will be carried out.
- Note : Assessments at the development application stage will determine the nature and timing of road infrastructure upgrades. These may prove to be different from what is proposed in the Statement of Commitments in Appendix 1.
- 1.10 Building footprints/setbacks and building/structure heights are to be generally consistent with Section 04.5 and 04.6 of the Urban Design and Landscape Report (Appendix E of the EA).
- 1.11 The maximum GFAs for the following uses apply:
- 300,000m<sup>2</sup> for the warehousing and distribution facilities;
  - 2,100m<sup>2</sup> for the terminal administration offices and ancillary operational facilities; and
  - 8,000m<sup>2</sup> for the freight village.
- 1.12 The warehousing and distribution facilities must only be used for activities associated with freight using the rail intermodal.

## **Statutory Requirements**

- 1.13 This Concept Plan approval does not remove any obligation to obtain, renew, or comply with licences, permits or approvals as required by law associated with any project subject to this Concept Plan approval.

## **SCHEDULE 3**

### **2. FUTURE ASSESSMENT REQUIREMENTS**

2.1 Under section 75P(2)(c) of the Act, the following environmental assessment requirements apply with respect to future development that is subject to Part 4 Division 4.1 Act:

#### **General Requirements**

Any future Development Application shall:

- a) demonstrate that the project is generally consistent with the requirements of this Concept Plan approval and with the scope and intent of the Concept Plan outlined in the documents under condition 1.1 of this Concept Plan approval;
- b) include a detailed project description, including construction, operation, maintenance, and staging;
- c) include details of measures to be implemented to avoid, minimise, manage, mitigate, offset and/or monitor the impacts of the project (including, but not limited to, the following listed issues);
- d) include details of the consultation process and outcomes with relevant stakeholders, including (but not limited to):
  - i. relevant government authorities, such as OEH, EPA, DPI, TfNSW and DoE, Liverpool Council, Campbelltown Council, Bankstown Council;
  - ii. service and infrastructure providers; and
  - iii. special interest groups and the public, including adjoining and affected landowners.

These requirements shall be addressed for each Development Application and shall apply to the extent reasonably required by the particular application and to the land the subject of the relevant stage.

**Note:** Soil and water must be addressed in the Stage 1 Development Application for the entire site including rail link.

#### **Air Quality**

Any future Development Application shall include a comprehensive air quality impact assessment for each stage of the proposal, including:

- a) An assessment in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (2005)* (or its later version and updates);
- b) Taking into account the final project design with consideration to worst-case meteorological and operating conditions;
- c) Quantitatively assessing the predicted emission of:
  - i. Solid particles;
  - ii. Sulphur oxides;
  - iii. Nitrogen oxides; and
  - iv. Hydrocarbons.
- d) Assessing cumulative air impacts at a local and regional level (including but not limited to contemporaneous operations such as those of the proposed Commonwealth Government MIT; and
- e) A comprehensive air quality management plan that includes at least the following information:
  - i. Explicit linkage of proposed emission controls to the site specific best practice determination assessment and assessed emissions;
  - ii. The timeframe for implementation of all identified emission controls;
  - iii. Proposed key performance indicator(s) for emission controls;
  - iv. Proposed means of air quality monitoring including location (on and off-site), frequency and duration;
  - v. Poor air quality response mechanisms;
  - vi. Responsibilities for demonstrating and reporting achievement of key performance indicator(s);
  - vii. Record keeping and complaints response register; and
  - viii. Compliance reporting.

#### **Best Practice Review**

Any future Development Application shall include the preparation of a comprehensive review of intermodal operational best practice process design, emission control and management measures that might feasibly and reasonably be applied to each stage of the project, and to benchmark those measures against best practice. The review should:

- a) clearly demonstrate that the Proponent will at each project stage adopt and implement best practice facility and process design and management measure to the extent that is

- reasonably practicable, to minimise operational air pollutant and noise emissions at the terminal and on the rail link;
- b) include a detailed evaluation of feasible and reasonable mitigation and management measures including:
    - i. assessment of best practice international emission standards for locomotives and non-road plant and equipment;
    - ii. assessment of retrofit opportunities for older vehicles, locomotives and equipment;
    - iii. maintenance and operational practices for vehicles, locomotives and equipment;
    - iv. electrification of terminal plant;
    - v. reduction of 'long-duration' idling of diesel locomotives, prime movers and cargo handling equipment through:
      - driver/operator training about how to reduce air quality impacts associated with 'long-duration' idling;
      - automatic engine shut down/start up system controls whereby engine stopping or starting is implemented without operator action;
      - 'shore power connection' being electricity mains plug-in points for enabling locomotives and trucks to switch over to mains power and shut down main engines otherwise used to generate power required for:
        - transport refrigerated units/containers;
        - cabin climate control; and
        - other accessories and equipment.
      - the application of queuing theory to minimise truck loading/unloading wait times and resultant queuing and idling in the terminal facility and on access roads.
  - c) include predicted annual cumulative, daily and one minute amounts of air pollutants emitted and non-renewable fossil fuel consumed (by typical diesel locomotives, prime movers, fixed body trucks, yard trucks/holsters and cargo handling equipment expected to regularly operate at the terminal) as the basis for defining the term 'long-term' duration idling as it would apply to the terminal facility.

The following noise requirements shall be included in the best practice review:

- a) assessment of an ongoing noise compliance and response system;
- b) assessment for the need of an automatic rolling stock wheel defect detection and response system;
- c) identification of all feasible and reasonable measures to minimise and mitigate noise impacts from the operation of the terminal and rail link;
- d) site layout and operations options to:
  - i. eliminate the need to reverse vehicles and plant (not dedicated to on site operations); and
  - ii. where reversing vehicles and plant is unavoidable only reversing such vehicles and plant in noise attenuated enclosures.
- e) assessment of alternative options to the use of traditional 'beeper' type reversing/ movement alarms; and
- f) framework for on and off-site noise monitoring during operation.

### **Traffic and Transport**

Any future Development Application shall include a Traffic Impact Assessment that assesses intersection and road network impacts, including impacts on Cambridge Avenue. The traffic assessment shall:

- a) undertake detailed model analysis commensurate with the stage, to confirm network operation and identify intersection upgrade requirements;
- b) consider the constructability constraints of proposed upgrade(s) at key intersections, such as vehicle sweep paths, geometry and sight lines;
- c) assess construction traffic impacts, including:
  - i. the identification of routes and the nature of existing traffic on these routes;
  - ii. an assessment of construction traffic volumes (including spoil haulage/delivery of materials and equipment to the road corridor and ancillary facilities); and
  - iii. potential impacts to the regional and local road network (including safety and level of service) and potential disruption to existing public transport services and access to properties and businesses.
- d) assess operational traffic and transport impacts to the local and regional road network, including:
  - i. changes to local road connectivity and impacts on local traffic arrangements, road capacity/safety;
  - ii. traffic capacity of the road network and its ability to cater for predicted future growth and

- iii. monitoring of vehicle numbers on Cambridge Avenue.
- e) provide an updated Traffic Management and Accessibility Plan including:
  - i. measures to prevent heavy vehicles accessing residential streets to maintain the residential amenity of the local community
  - ii. public transport;
  - iii. cyclist facilities; and
  - iv. driver code of conduct.

In particular, the Traffic Impact Assessment must identify upgrades and other mitigation measures required to achieve the objective of not exceeding the capacity of the the following intersections and roads –

- (a) Moorebank Avenue/ Newbridge Road
- (b) Moorebank Ave/ Heathcote Road
- (c) Cambridge Ave
- (d) M5 Motorway/ Moorebank Avenue
- (e) M5 Motorway/ Heathcote Road
- (f) M5 Motorway/ Hume Highway.

### **Rail**

Any future Development Application shall address the requirements of TfNSW and include detailed design and engineering drawings for the rail link and include evidence of consultation with:

- a) TfNSW, particularly in relation to the future Moorebank Station site, use of the existing EHPL corridor and connections to the SSFL; and
- b) The EPA where the rail line traverses the Glenfield Waste Facility.

Any future Development Application shall include an assessment of the impacts of the rail link on the Glenfield Waste Facility, including:

- a) details of the quantity of landfilled waste to be removed, the location from where it will be removed, the methodology to be utilised and the estimated timeframe for the removal and reburial;
- b) proposed measures to mitigate odour impacts on sensitive receivers, including an undertaking to apply daily cover to any exposed waste in accordance with benchmark technique 33 of the document Environmental Guidelines: Solid Waste Landfills, NSW EPA 1996;
- c) any proposed impacts on pollution control and monitoring systems including existing groundwater and landfill gas bores and their subsequent repair/ replacement;
- d) the proposed methodology to ensure that the landfill barrier system disturbed in the removal process is replaced/ repaired to ensure its ongoing performance. The Proponent should detail matters such as sub grade preparation/ specifications, line installation/ reinstallation procedures and construction quality assurance procedures;
- e) a commitment to providing the EPA with a construction quality assurance report within 60 days of the completion of the works referred to in (d) above; and
- f) an overview of any access and/or materials/ equipment storage arrangements with Glenfield Waste Facility in relation to the construction of the project.

### **Noise and Vibration**

Any future Development Application shall include an updated assessment of noise and vibration impacts. The assessment shall:

- a) The assessment shall:
  - i. assess construction noise and vibration impacts associated with construction of the intermodal facility including rail link, including impacts from construction traffic and ancillary facilities. The assessment shall identify sensitive receivers and assess construction noise/vibration generated by representative construction scenarios focusing on high noise generating works. Where work hours outside of standard construction hours are proposed, clear justification and detailed assessment of these work hours must be provided, including alternatives considered, mitigation measures proposed and details of construction practices, work methods, compound design, etc
  - ii. assess operational noise and vibration impacts and identify feasible and reasonable measures proposed to be implemented to minimise operational noise impacts of the intermodal facility and rail link, including the preparation of an Operational Noise Management and Monitoring Plan; and
  - iii. be prepared in accordance with: NSW Industrial Noise Policy (EPA 2000), Interim Construction Noise Guideline (DECC 2009), Assessing Vibration: a technical guide



(DEC 2006), the Rail Infrastructure Noise Guideline (EPA 2013), Development Near Rail Corridors and Busy Roads Interim Guideline (DoP 2008), and the NSW Road Noise Policy 2011.

- b) All site-dedicated locomotives must meet EPA Noise Limits for Locomotives contained within the NSW operational rail licences for operation of new or substantially modified locomotives operating on the NSW network; and
- c) Any future application shall include a train noise strategy including, but not limited to, train operational procedures and driver training that minimise noise on the rail link and within the intermodal terminal.

### **Soil and Water**

Any future Development Application for stage 1 shall include an assessment of soil and water impacts for the entire site including rail link. The assessment shall:

- a) assess impacts on surface and groundwater flows, quality and quantity, with particular reference to any likely impacts on Georges River and Anzac Creek;
- b) assess flooding impacts and characteristics, to and from the project (including rail link), with an assessment of the potential changes to flooding behaviour (levels, velocities and direction) and impacts on bed and bank stability, through flood modelling, including:
  - i. hydraulic modelling for a range of flood events;
  - ii. description, justification and assessment of design objectives (including bridge, culvert and embankment design);
  - iii. an assessment of afflux and flood duration (inundation period) on property; and
  - iv. consideration of the effects of climate change, including changes to rainfall frequency and/or intensity, including an assessment of the capacity of stormwater drainage structures.
- c) identify and assess the soil characteristics and properties that may impact or be impacted by the project, including acid sulfate soils;
- d) include a contamination assessment in accordance with the guidelines made under the *Contaminated Land Management Act 1997* and in consultation with the EPA for the subject site including the Glenfield Waste Facility. The assessment shall include:
  - i. the potential environmental and human health risks of site contamination on the project site;
  - ii. a Remediation Action Plan;
  - iii. consideration of implications of proposed remediation actions on the project design and timing; and
  - iv. a Phase 2 environmental site assessment of the project site including rail corridor.

### **Heritage**

Any future Development Application shall assess heritage impacts of the proposal. The assessment shall:

- a) consider impacts to Aboriginal heritage (including cultural and archaeological significance), in particular impacts to Aboriginal heritage sites identified within or near the project should be assessed. Where impacts are identified, the assessment shall demonstrate effective consultation with Aboriginal communities in determining and assessing impacts and developing and selecting options and mitigation measures (including the final proposed measures); and
- b) consider impacts to historic heritage. For any identified impacts, the assessment shall:
  - i. outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the measures). Mitigation measures should include (but not be limited to) photographic archival recording and adaptive re-use of buildings or building elements on site);
  - ii. be undertaken by a suitably qualified heritage consultant(s); and
  - iii. include a statement of heritage impact.

### **Visual Amenity, Urban Design and Landscaping**

Any future Development Application shall include an assessment of visual impacts. The assessment shall:

- a) include a description of the visual significance of the affected landscape;
- b) assess the visual impact of the project on the landscape character of the area, including built form (materials and finishes) and the urban design (height, bulk and scale) of key components including container stacking heights, lighting, bridge crossings, and views to and from the project; and
- c) include details of hard and soft landscaping treatment and design (including proposed road upgrades relevant to that stage and reinstatement of riparian vegetation).

## Biodiversity

Any future Development Application shall include a Flora and Fauna assessment. The assessment shall:

- a) assess impacts on the biodiversity values of the site and adjoining areas, including Endangered Ecological Communities and threatened flora and fauna species and their habitat, impacts on wildlife and habitat corridors, riparian land, and habitat fragmentation and details of mitigation measures, having regard to the range of fauna species and opportunities for connectivity (terrestrial, arboreal and aquatic) across the rail link between the site and the EHPL;
- b) include a Vegetation Management Plan that has been prepared in consultation with the NSW Office of Water;
- c) document how impacts to the *Persoonia nutans* and the *Grevillea parviflora subsp. Parviflora* flora species have been minimised through the detailed design process;
- d) include the details of available offset measures to compensate the biodiversity impacts of the proposal where offset measures are proposed to address residual impacts, in particular the following should be considered:
  - i. As stipulated in principle 2 of 'NSW offset principles for major projects (state significant development and infrastructure)', for terrestrial biodiversity, established assessment tools, such as the BioBanking Assessment Methodology (BBAM), are considered best practice;
  - ii. the Biodiversity Offset Strategy will be undertaken in accordance with the 'NSW offset principles for major projects (state significant development and state significant infrastructure)'; and
  - iii. Offsets shall be identified, and demonstrate that they can be secured.

## Section 94 Contributions

Any future Development Application shall include:

- a) an assessment of the impacts of the project on local infrastructure, having regard to any relevant Council's Developer Contributions Plan (or equivalent document requiring developer contributions);
- b) Subject to the terms of any applicable Voluntary Planning Agreement, a commitment to pay developer contributions to the relevant consent authority or undertake works-in-kind towards the provision or improvement of public amenities and services. **Note:** This requirement may be satisfied subject to the terms of any applicable Voluntary Planning Agreement; and
- c) a commitment to undertake vehicle monitoring on Cambridge Avenue in accordance with Traffic and Transport requirement d) iii. Should any monitoring reveal the need for improvement works within the Campbelltown LGA as a result of the proposal, the Proponent may be required to contribute towards local road maintenance or upgrades.

## Waste

Any future Development Application shall ensure that liquid and/or non-liquid waste generated on the site is assessed and classified and where removed from the site, is directed to a waste management facility lawfully permitted to accept the materials.

## Hazards and Risks

Any future Development Application shall be accompanied by a preliminary risk screening completed in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33* (DoP 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the proposal. Should preliminary screening indicate that the proposal is 'potentially hazardous,' a Preliminary Hazard Analysis (PHA) must be prepared in accordance with *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis* (DoP 2011) and *Multi-Level Risk Assessment* (DoP 2011). The PHA should:

- a) Estimate the risks from the facility;
- b) Be set in the context of the existing risk profiles for the intermodal facility and demonstrate that the proposal does not increase the overall risk of the area to unacceptable levels; and
- c) Demonstrate that the proposal complies with the criteria set out in the *Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning*.

## Freight Village

Any future Development Application for the freight village should include:

- a) Employee numbers;
- b) Details of uses sought;
- c) Hours of operation for each use;
- d) Signage; and
- e) Parking (staff and visitor).

**Bushfire Management**

Any future Development Application shall be accompanied by an assessment against the Planning for Bushfire 2006 (NSW Rural Fire Service).

**Environmental Risk Analysis**

Notwithstanding the above listed issues, future Development Applications shall include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional environmental impacts are identified through this risk analysis, an appropriately detailed impact assessment of the additional environmental impacts shall be included as part of the Development Application.

**APPENDIX 1  
STATEMENT OF COMMITMENTS**