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B Marheine Holdings Pty Ltd

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RUTHERFORD PARK FREIGHT AND BUSINESS CENTRE PRELIMINARY ENVIRONMENTAL ASSESSMENT

RAMBOLL ENVIRON

RUTHERFORD PARK. FREIGHT AND BUSINESS CENTRE

RUTHERFORD PARK FREIGHT AND BUSINESS CENTRE
PRELIMINARY ENVIRONMENTAL ASSESSMENT

Revision	**Final**
Date	**30/01/2017**
Made by	**B Sinclair**
Checked by	**S Taylor**
Approved by	**F Robinson**
Description	**Ramboll Environ was commissioned by B Marheine Holdings Pty Ltd to undertake a Preliminary Environmental Assessment of the proposed Rutherford Park Freight and Business Centre in Rutherford NSW.**

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GLOSSARY AND ACRONYMS

ARTC	Australian Rail Track Corporation
Business Park	73 Lot subdivision developed for the purpose of a Business Park
EIS	Environmental Impact Statement
EP&A Act	*NSW Environmental Planning and Assessment Act 1979*
EPA	Environment Protection Authority
EPBC Act	*Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*
EPL	Environment Protection Licence
ISEPP	*State Environmental Planning Policy (Infrastructure) 2007*
LGA	Local Government Area
Maitland LEP	Maitland Local Environment Plan 2011
MCC	Maitland City Council
OEH	NSW Office of Environment and Heritage
PEA	Preliminary Environmental Assessment
PHA	Preliminary Hazards Analysis
POEO Act	*Protection of the Environment Operations Act 1997*
Project	Development of a Rail Park and a Business Park, collectively known as Rutherford Park in Rutherford NSW
Rail Park	The Rail Park generally comprises a rail maintenance and provisioning facility and a freight transport facility
RMS	Roads and Maritime Service
S&RD SEPP	*State Environmental Planning Policy (State and Regional Development) 2011*
SEARs	Secretary Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SEPP33	*State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
SSD	State Significant Development
Stage 1 Approval	Stage 1 of the development generally includes construction and operation of a rail spur and loop, a rail maintenance and provisioning facility; subdivision of 10 lots into a 74 lot subdivision; and a Business Park
Stage 2 Concept Approval	Stage 2 Concept Approval includes a Freight Transport Facility and minor additions to the rail maintenance and provisioning facility
Strategy	Maitland Urban Settlement Strategy (2010)

1. INTRODUCTION

This Preliminary Environmental Assessment (PEA) has been undertaken by Ramboll Environ Australia Pty Ltd (Ramboll Environ) on behalf of B Marheine Holdings Pty Ltd for the development of a Rail Park and a Business Park, collectively known as Rutherford Park Freight and Business Centre (Rutherford Park) in Rutherford NSW (the Project).

Figure 1 shows the location of the Project site.

1.1 Project Context

The Project site is located between the southern side of the New England Highway and the northern side of the Main Northern Railway, and to the west of the Rutherford Industrial Estate. The Project site is made up of 10 lots with an approximate total area of 164 hectares. The Project site (excluding the rail corridor and New England Highway road reserve) is owned and managed by B Marheine Holdings Pty Ltd and has historically been used for agricultural purposes.

The Maitland Urban Settlement Strategy (2012) (the Strategy) was prepared by Maitland City Council (MCC) for future economic, community and ecological growth in the region. The Strategy recognises Maitland Local Government Area (Maitland LGA) as a key urban growth corridor due to its proximity to existing industrial development, transport corridors and potential Greenfield sites. The Strategy identifies the Project site as 'undeveloped employment land'.

On 10 June 2011, the Project site was re-zoned 'B5 Business Development' and 'E3 Environmental Management' under the Maitland Local Environment Plan 2011. To assist in the re-zoning application, a number of specialist environmental studies were completed for the Project and surrounding area.

Subsequent to the land rezoning, B Marheine Holdings Pty Ltd proposes to develop Rutherford Park.

1.2 Project Overview

The Project will be developed within the Project site as identified in **Figure 1**. Key elements of the Project are conceptually presented in **Figure 2** and described within **Section 3.2**. The Project involves development in two stages

- Stage 1: includes construction and operation of a rail spur and loop, a rail maintenance and provisioning facility within the Rail Park, converting 10 lots into 74 lot subdivision and establishment of a Business Park.

  B Marheine Holdings will be seeking development approval for Stage 1. This is discussed further in **Section 3.3** of this PEA.

- Stage 2: a freight transport facility within the Rail Park.

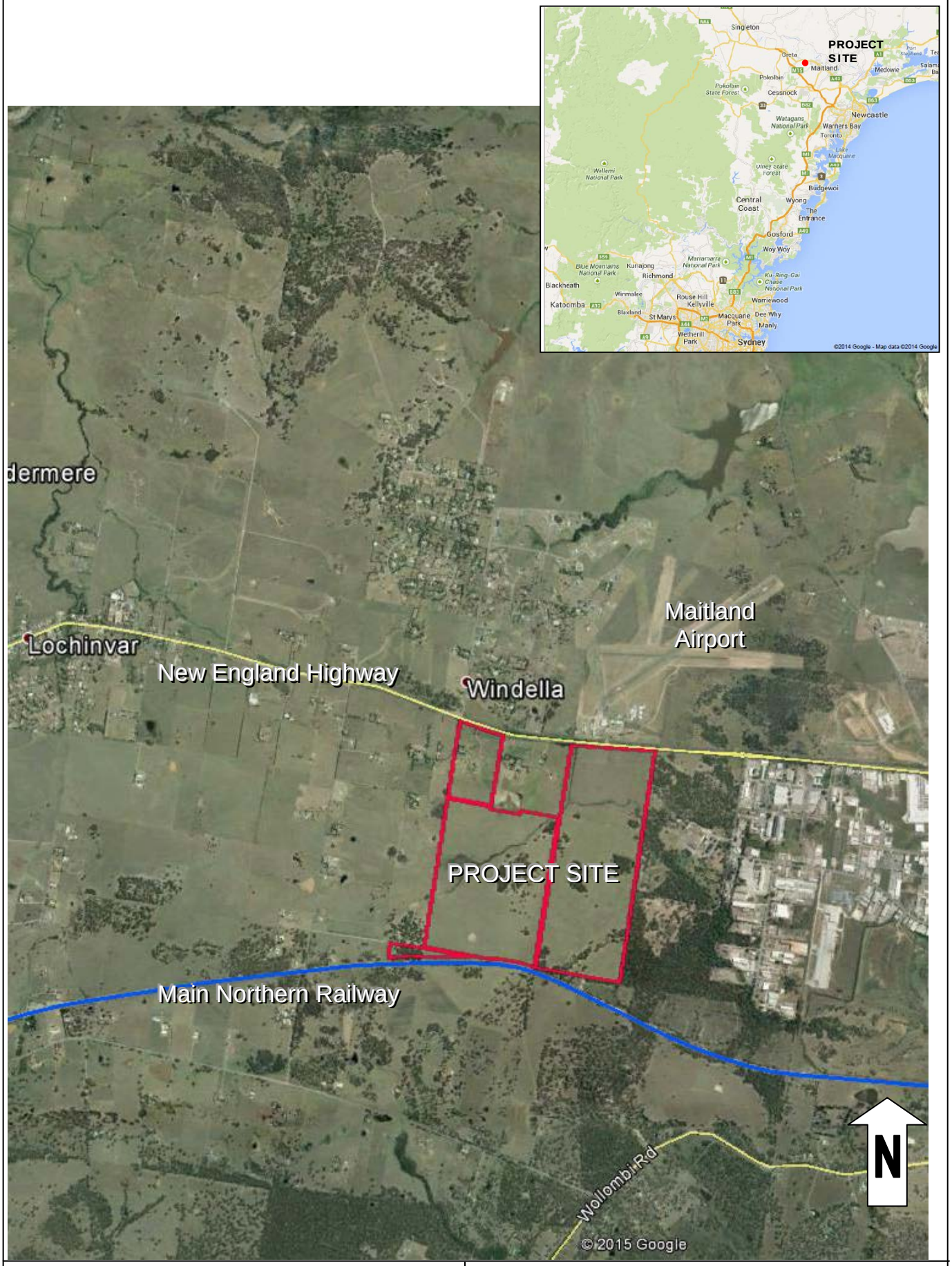
  B Marheine Holdings will be seeking concept approval for Stage 2. This is discussed further in **Section 3.4** of this PEA.

1.3 Purpose of Report

This PEA has been prepared as a supporting document to accompany a request for the Secretary Environmental Assessment Requirements (SEARs) to prepare an EIS for lodgement as part of a development application under Division 4.1 of Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). This PEA includes the following:

- **Section 2** describes the permissibility of the Project and identifies strategic planning documents, environmental planning instruments and key development standards applying to the Project.

- **Section 3** provides a description of the Project site and its local and regional context and includes a summary of the Project and the types of activities that will be undertaken during each stage of the Project.
- **Section 4** outlines the alternatives considered during Project development and provides a justification for the Project.
- **Section 5** outlines potential environmental impacts and strategies to address any impacts.
- **Section 6** provides details of stakeholder consultation to be conducted during the development of the EIS.
- **Section 7** identifies the next steps in the planning approval pathway.
- **Section 8** provides a list of references and **Section 9** describes the limitations of this PEA.



C & B Marheine

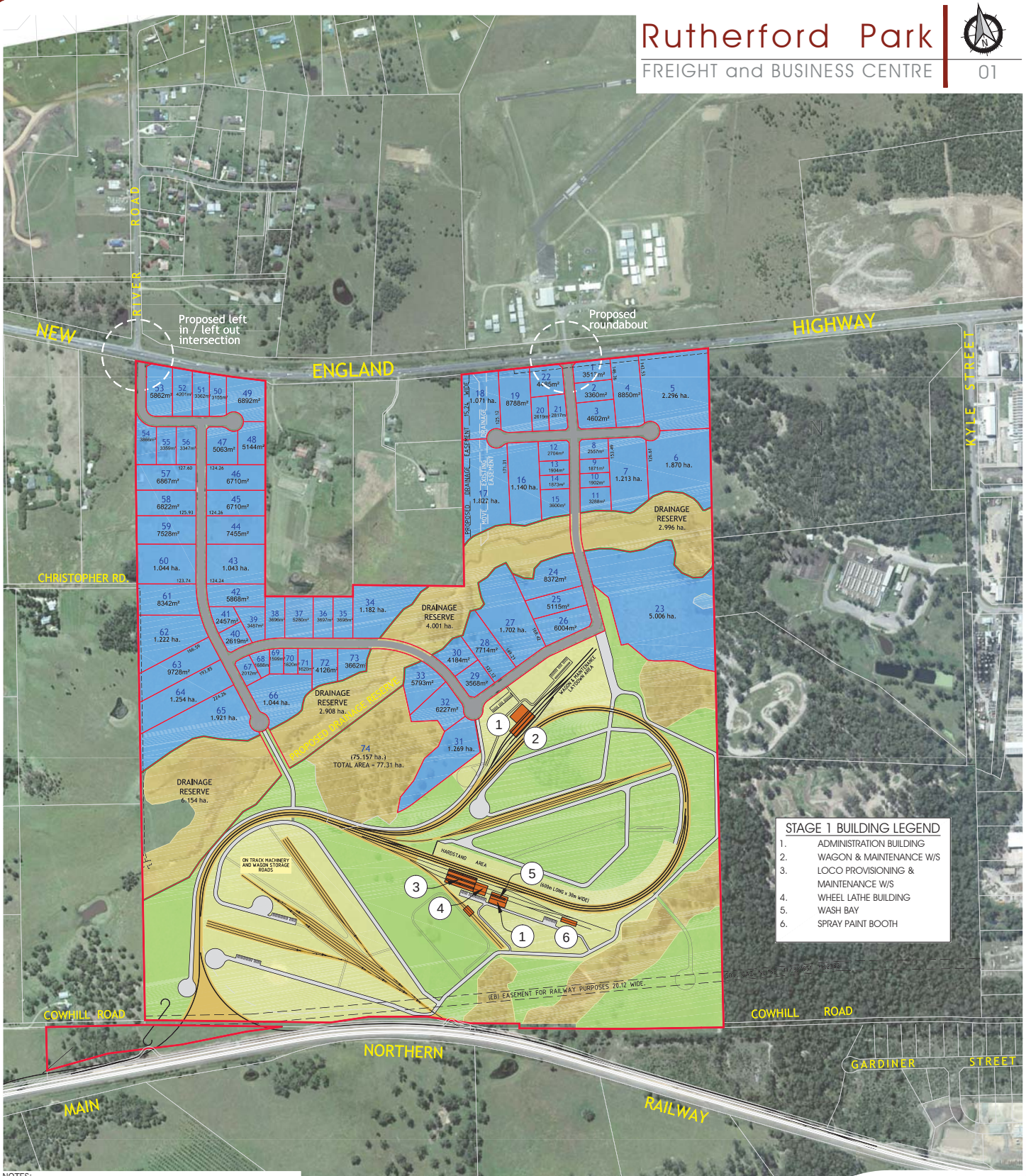
Rutherford Park Preliminary Environmental Assessment

Project Site Location

(Source: Google Earth, 2015)

RAMBOLL ENVIRON JOB NO: AS130468 DATE: January, 2017 FIGURE 1

Rutherford Park
FREIGHT and BUSINESS CENTRE
01



NOTES:-

1. BOUNDARIES HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY, AND HAVE NOT BEEN SURVEYED. ALL BEARINGS, DIMENSIONS, AREAS AND EASEMENTS ARE SUBJECT TO FINAL SURVEY.
2. ALL SERVICES ARE TO BE LOCATED BY THE RELEVANT AUTHORITY.
3. THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF D.A. AND SHOULD NOT BE USED FOR ANYTHING OTHER THAN THAT PURPOSE.

PRELIMINARY ONLY

THIS PLAN IS PRELIMINARY ONLY AND IS SUBJECT TO COUNCIL APPROVAL, FINAL DESIGN, CONSTRUCTION, FINAL SURVEY AND REGISTRATION AT LAND AND PROPERTY INFORMATION NSW.

EASEMENTS, POSITIVE COVENANTS AND RESTRICTIONS ON THE USE OF LAND MAY BE CREATED UPON REGISTRATION OF THE PLAN, WHICH ARE NOT SHOWN ON THIS PRELIMINARY VERSION OF THE PLAN.

LEGEND:
- Public Road
- Stage 1 Private Roads
- Stage 1 Business Park
- Stage 1 Rail Park
- Stage 1 Rail Infrastructure
- Stage 2 Rail Park
- Stage 2 Private Roads
- Environmental Zoned Land (E3)

AREAS:

Business Park (73 Lots) (Excl. Roads)	51.84 ha.
Rail Park Land (Stages 1 & 2)	77.31 ha.
Drainage Reserves (4 Lots)	16.05 ha.
TOTAL SITE AREA	151.65 ha.

VER.	DATE	COMMENT	DRAFTER
C	28/04/2016	PROPOSED LAYOUT	RC
D	24/05/2016	UPDATE RAIL LANDS DESIGN, EDIT LOTS	RC
E	27/05/2016	PREPARE STAGE HATCHES AND ROADS	RC

CO-ORDINATE INFORMATION	
CO-ORDINATE SYSTEM:	MGA 56
ORIGIN OF CO-ORDINATES:	LPI DCDB

Bar Scale 1: 4000 (A1), 1: 8000 (A3)

LOT 1413 D.P.1141534
& LOT 6871 D.P.1121957
NEW ENGLAND HIGHWAY
RUTHERFORD

PURPOSE: CONCEPT RAIL & BUSINESS PARK
COUNCIL: MAITLAND
DWG REF: 35279-MP-002-E PM: T.C.
CLIENT: RUTHERFORD PARK. FREIGHT AND BUSINESS CENTRE

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2. STATUTORY AND PLANNING CONTEXT

2.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) and Environmental Planning and Assessment Regulation 2000 (the Regulation) are the principle pieces of environmental legislation which provide for development planning and control in NSW.

A State Environmental Planning Policy (SEPP) may declare any development, or any class or description of development, to be State Significant Development (SSD) for the purposes of the EP&A Act. *State Environmental Planning Policy (State and Regional Development) 2011* (S&RD SEPP) (refer to **Section 2.2.1**) declares certain development to be SSD.

As discussed in **Section 2.2.1**, the Project is SSD because it falls within the category of 'rail and related transport facilities' described in Clause 19 of Schedule 1 to the S&RD SEPP.

The Project will be assessed as SSD under Division 4.1 of Part 4 of the EP&A Act. The Minister for Planning and Environment (or his delegate) is the consent authority for SSD assessed under Part 4 of the EP&A Act. An Environmental Impact Statement (EIS) must accompany the lodgement of a development application for SSD. This PEA accompanies an application for the SEARs which set out the requirements that the EIS must address.

The Project will also be assessed as a staged development application under Section 83B of the EP&A Act. Under Section 83B "*a staged development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development*." It is proposed that the staged development application would be structured as follows:

- Development consent is to be sought for the Stage 1 Rail Park and Business Park. As required by Section 83B(3)(b) of the EP&A Act sufficient detail will be provided in the EIS to allow development consent to be granted.
- Approval is to be sought for the Stage 2 Rail Park. As required by Section 83B(3)(a) of the EP&A Act any development within the Stage 2 Rail Park will be subject to a further development application.

2.2 NSW Environmental Planning Instruments

2.2.1 State Environmental Planning Policy (State and Regional Development) 2011

Clause 8(1)(b) of the S&RD SEPP provides that development is declared to be SSD for the purposes of the EP&A Act if the development is specified in Schedule 1 or 2 to the S&RD SEPP.

Clause 19 describes the following "Rail and related transport facilities" as state significant development:

"*(1) Development that has a capital investment value of more than $30 million for any of the following purposes:*

(a) heavy railway lines associated with mining, extractive industries or other industry,

(b) railway freight terminals, sidings and inter-modal facilities."

The Rail Park meets the definition of "rail and related transport facilities" with a capital investment value greater than $30 million. As such it would be deemed as state significant development under Clause 19 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (S&RD SEPP).

The dominant feature of the Project is the construction, operation and management of Stage 1 and Stage 2 the Rail Park. Clause 8(2) of the State Environmental Planning Policy (State and Regional Development) 2011 states:

If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subclause (1), the remainder of the development is also declared to be State significant development, except for:

(a) so much of the remainder of the development as the Director-General determines is not sufficiently related to the State significant development.

The Business Park and other ancillary infrastructure and development (such as roads and stormwater infrastructure) are directly related to the Rail Park and, as such, are included in the Project and, therefore, form part of the state significant development.

2.2.2 State Environmental Planning Policy No 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) requires the consent authority to consider whether an industrial proposal is a 'potentially hazardous industry' or a 'potentially offensive industry'. A Preliminary Hazards Analysis (PHA) is completed for potentially hazardous developments to assist the consent authority to determine acceptability. *Applying SEPP 33*' (DoP, 2011), provides guidance as to when a project should be considered to be a 'potentially hazardous industry' or a 'potentially offensive industry'.

The Project will potentially store dangerous goods. Fuel will be stored at the Project site for train provisioning activities. On this basis a Preliminary Hazard Assessment would be prepared as part of the EIS.

2.2.3 Maitland Local Environmental Plan 2011

The Project site is largely zoned 'B5 Business Development' and 'E3 Environmental Management' under the Maitland Local Environment Plan 2011 (Maitland LEP). A small portion of the triangular parcel in the south of the Project area is zoned 'RU2 Rural Landscape'.

The adjacent rail corridor, known as the Main Northern Railway and the New England Highway are zoned 'SP2 Infrastructure'. There is also a small parcel of land to the south of the Project site zoned 'IN1 General Industrial'. Land to the south of the corridor and to the west of the Project site is zoned 'RU2 Rural Landscape'.

As explained in **Section 2.2.1**, the dominant purpose of the Project is for 'Rail and related transport facilities'.

Development for the purposes of 'Rail and related transport facilities' is permissible with consent in the B5 Zone.

The objectives of the B5 Zone are:

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To minimise conflict between land uses within the zone and with adjoining zones.

The Project is consistent with the objectives of the zone.

Development in the E3 Zone will be limited to the road utility infrastructure connecting to the Rail Park. Roads, environmental protection works and water reticulation are permissible with development consent in the E3 Zone.

The Project includes activities (such as the Fuel Farm and the Freight Transport Facility) that are not permitted within the B5 Business Development zone. Section 89(E) of the EP&A Act includes the following:

(3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.

As such development consent can be granted to the overall Project, despite some Project elements being prohibited in the B5 Zone.

Clause 6.3(2) of the Maitland LEP states that "*Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land*." The Project site is an urban release area and a development control plan has not been prepared for the Project site.

Section 83C(2) states that "*However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a staged development application in respect of that land*." The Project would be the subject of a staged development application (as described in **Section 2.1**) therefore the obligation for a development control plan would be satisfied. To comply with this, the staged development application (and the supporting EIS) would address the requirements of a development control plan as listed in Clause 6.3(3) of the Maitland LEP.

2.3 Other NSW Legislation

2.3.1 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) sets out procedures and requirements for waste, air, water and noise pollution control. The POEO Act requires any person carrying out scheduled work to obtain an environment protection licence (EPL) that authorises that work to be carried out at the premises.

Scheduled work comprises those activities listed in Schedule 1 of the POEO Act including 'railway systems activities'.

Clause 33 of Schedule 1 defines 'railway systems activities' as:

"(a) the installation, on site repair, on site maintenance or on site upgrading of track, including the construction or significant alteration of any ancillary works, or

(b) the operation of rolling stock on track".

The Project involves the construction and operation of an intermodal terminal and associated ancillary works, such as track support, cutting, earthworks and drainage. As such, an EPL is required for the Project. The Business Park component of the Project does not require an EPL.

2.3.2 Other Relevant Legislation

2.3.2.1 Applicable Legislation

Other NSW legislation and environmental planning instruments that may be relevant to the Project includes:

- *Contaminated Land Management Act 1997*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Hunter Regional Environmental Plan (Heritage) 1989*
- *National Parks and Wildlife Act 1974*
- *Native Vegetation Act 2003*
- *Noxious Weeds Act 1993*
- *Work Health and Safety Act 2011*
- *Rural Fires Act 1993*
- *Threatened Species Conservation Act 1995*
- *Waste Avoidance and Resource Recovery Act 2001*
- *Water Act 1912*
- *Water Management Act 2000*
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 44 – Koala Habitat Protection

These legislation and environmental planning instruments will be reviewed at the EIS stage and their relevance determined in relation to the Project.

2.4 Commonwealth Protection of the Environment Operations Act 1999

The Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the core piece of legislation protecting Matters of National Environmental Significance and Commonwealth land. The EPBC Act requires proponents attain approval from the Minister for the Environment and Energy if a project is considered a 'controlled activity' due to potential significant impacts on Matters of National Environmental Significance. A referral is required to be submitted to the Department of the Environment for determination that an activity is a controlled activity.

The Commonwealth Government and the NSW Government signed a bilateral agreement in November 2013 that accredits the NSW planning system to undertake a single environmental assessment process for projects in NSW that require consideration under the EPBC Act. Approval will still be required from the Department of the Environment and Energy, which will be based on the assessment by the NSW Department of Planning and Environment.

As discussed in **Section 5.1**, there is the potential for species and communities listed under the EPBC Act to be impacted by the Project. The presence of these species and communities and the level of impact (if present) will be assessed and the need for approval of a controlled action will be determined by the Minister of the Environment.

3. THE PROJECT

3.1 Project Site

3.1.1 Regional Context and Site Location

The Project site is located on the southern side of the New England Highway and the northern side of the Main Northern Railway, at Rutherford. The Project site is situated in the Maitland LGA and is approximately nine kilometres west of the Maitland central business district. **Figure 1** shows the location of the Project site.

The Project site covers approximately 164 hectares. The land surrounding the Project site is predominately rural and industrial and is located approximately 100 metres from the nearest off site sensitive receiver. The Project site is located to the west of the Rutherford Industrial Estate. To the north of the New England Highway opposite the Project site is Maitland Airport and a large lot residential subdivision. West of the site is a large lot rural residential subdivision.

The site in rail terms is ideally located at the juncture of the Main Northern Railway and the North Coast Rail line.

3.1.2 Existing Conditions

The Project site is shown in **Figure 2** and has historically been used for rural land use. There is one rural dwelling and two farm sheds located on the Project site, as well as associated farming infrastructure, including fencing and dams.

Site topography is generally flat with elevations fluctuating from 19 m Australian Height Datum (AHD) to 42 m AHD. The highest point is located at the Project site boundary to the south.

There are isolated pockets of native vegetation throughout the Project site (further discussed in **Section 5.1**), however the majority of the Project site has been previously cleared for grazing.

3.1.3 Project Site Requirements

As discussed in **Section 1.1**, the key purpose of the Project is to develop the Project site for a Rail Park and Business Park.

To achieve this purpose the following tasks are required to be undertaken at the Project site:

- Vegetation clearance. The Project will require the clearance of approximately 35 hectares of predominantly pasture grasses and approximately 2.5 hectares of bushland. This is discussed in **Section 5.1**.
- Bulk earthworks (excavation, filling and rock crushing) to facilitate railway construction, road construction and access, and the Business Park.
- Demolition of existing buildings and structures.
- Construction of roads (including two intersections with the New England Highway) to support the Project.
- Construction rail infrastructure and ancillary facilities, including connection and interface with the Main Northern Railway tracks and signalling.
- Construction of stormwater management structures.

Section 4.1 describes the detailed process that has implemented to identify and assess the options available for undertaking these activities. Through this process the Project outlined in the following sections was determined to be the preferred strategy.

3.2 Project Outline

The Project will have the following key elements:

- Stage 1 Rail Park.
- Stage 2 Rail Park.
- Business Park (Stage 1).

Stage 1 of the Project includes the following:

- Construction and operation of a rail spur, loop and signage. The rail spur and loop will connect to the northern side of the third track (Up Relief Main) of the Main Northern Rail Line and will comprise approximately 3,350 metres of track including:
  - Rail Spur/ City (eastern) End Connection track (1,350 metres);
  - Balloon Loop track (1,650 metres); and
  - Country (western) End Connection track (350 metres).
- Construction and operation of a rail maintenance and provisioning facility which would comprise:
  - Internal private roads and car parks.
  - Internal track network.
  - Administration building.
  - Wagon and maintenance workshop.
  - Wagon and maintenance laydown area.
  - Wagon component remanufacturing engineer workshop;
  - Locomotive provisioning and maintenance workshop.
  - Wheel lathe building.
  - Wash bay.
  - Motive power engineering remanufacturing workshop;
  - Sand blasting and spray paint booth.
  - Hardstand and laydown areas.
  - Operations 24 hours per day, seven days per week.
- Conversion of the existing 10 lots into a 74 lot subdivision, of which one lot will comprise the Rail Park and 73 lots for the Business Park.
- The 73 lot Business Park would have lots ranging in size from approximately 1,600 square metres to approximately five hectares.
- Roads, including two New England Highway intersections and internal public and private roads.
- Services connections, installation and relocations.
- Earthworks (cutting and filling) and rock crushing.
- Demolition of existing structures.
- Water management structures.
- Landscaping.

Stage 2 of the Project would include:

- Freight Transport Facility, with indicative land uses including:
  - Internal private roads and car parks as required.
  - Internal track network as required.
  - Intermodal Terminal.
  - Empty Container Park.
  - Road weighbridge.
  - Bulk Fuel Farm and administration.
  - Container repair and wash area.
  - Cold storage container hardstand and warehouse.
  - Frozen good container hardstand and warehouse.
- Ballast and spoil stockpile, rail and track component depot.
- Passenger carriages stabling, provisioning maintenance.

- Infrastructure workshop and maintenance.
- Operations 24 hours per day, seven days per week.

These activities are further discussed in **Section 3.3** and **Section 3.4**. **Figure 2** shows a preliminary layout of the Project. The Rail Park and Business Park designs and construction methodologies are currently being detailed and will be addressed in the EIS.

3.3 Stage 1 Rail Park and Business Park

3.3.1 Stage 1 Overall Construction

A number of construction activities would be undertaken to facilitate development of both the Rail Park (both Stage 1 and Stage 2) and the Business Park. This would include:

- Site establishment including:
  - Environmental controls.
  - Clearance of approximately predominantly pasture grasses and some native vegetation (refer to **Section 5.1**).
- Bulk earthworks (excavation and filling) to facilitate railway construction, road construction and access, and the Business Park.
- Relocation of services, including a major fibre optic cable.
- Demolition of existing infrastructure.
- Construction of internal roads and two intersections with the New England Highway (refer to **Section 3.5**).
- Construction of stormwater management structures.

3.3.2 Rail Park Construction

The construction footprint of the Stage 1 Rail Park will encompass approximately 9.5 hectares, comprising of:

- Rail Loop and Spur.
- Spur.
- Main Access Road.

The construction methodology will be developed and detailed in the EIS.

The most significant element of construction for the Project is the construction of approximately 3,350 metres of rail track and associated buildings and structures.

This requires connection and interface with the Main Northern Railway tracks and signalling in accordance with the requirements of the Australian Rail Track Corporation (ARTC). These requirements include the design specifications where ARTC infrastructure is impacted, and the requirement to minimise impacts on rail operations during construction.

Other elements of construction are:

- Construction of administration facility and associated roads and car parking, other buildings and hardstand areas.
- Construction of intersections with the New England Highway (refer to **Section 3.5**).

As described in **Section 3.3.1**, elements of the construction of the Stage 2 Rail Park will be undertaken consecutively with construction of Stage 1 Rail Park and the Business to facilitate the bulk earthworks materials balance and other efficiencies.

3.3.3 Business Park Construction

Approximately 52 hectares in the north of the Project site has been proposed for business park development. Following commissioning of the Rail Park, development of the Business Park and its ancillary components will commence. This will include:

- Vegetation clearing and earth works. The Business Park area is predominantly covered in pasture grasses, with isolated trees and small areas of native vegetation.

- Demolition and removal of remaining farm related infrastructure.
- Construction of roads. Refer to **Section 3.4**.
- Installation of services, such as water and sewer, electricity, telecommunication, and drainage.

The Business Park element of the Project would be limited to the development of the Business Park infrastructure to facilitate future commercial development. Commercial operations within the Business Park will be the subject of separate development applications.

3.3.4 Stage 1 Rail Park Operation

Following completion of the Stage 1 Rail Park construction, operation of the Stage 1 Rail Park will commence. Operations would include the following:

- Wagon and maintenance workshop.
- Wagon and maintenance laydown area.
- Locomotive provisioning and maintenance workshop.
- Wheel lathe building.
- Wash bay.
- Spray paint booth.

It is anticipated that all types of rolling stock could utilise the Stage 1 Rail Park, and it would operate 24 hours per day, seven days per week.

The movement of trains to and from the Main Northern Railway will be controlled by ARTC and will comply with their requirements so as to minimise impacts on rail traffic.

The Rail Park will be able to receive trains from either direction and will be capable of turning trains around onsite.

3.4 Stage 2 Rail Park

3.4.1 Stage 2 Rail Park Construction

Stage 2 Rail Park is expected to be comprised of:

- Access Roads.
- Intermodal Terminal.
- Empty Container Park.
- Container repair and wash area.
- Cold storage container hardstand and warehouse.
- Frozen good container hardstand and warehouse.
- Dry food (such as grain) storage and processing facilities.
- Bulk Fuel Farm.
- Ballast and spoil stockpile, rail and track component depot.
- Passenger carriages stabling, provisioning maintenance.
- Infrastructure workshop and maintenance.

The construction methodology will be developed and detailed in the EIS.

3.4.2 Stage 2 Rail Park Operation

Following completion of the Stage 2 Rail Park construction, operation of the Stage 2 Rail Park will commence. Operations would include the following:

- The Freight Transport Facility, with indicative land uses including:
  - Internal private roads (refer to **Section 3.5**) and car parks as required.
  - Internal track network as required (connecting with the Stage 1 Rail Park track).
  - Intermodal Terminal.
  - Empty Container Park.

- Road weighbridge.
- Container repair and wash area.
- Cold storage container hardstand and warehouse.
- Frozen good container hardstand and warehouse.
- Dry food (such as grain) storage and processing facilities.
- Bulk Fuel Farm and administration.

- Ballast and spoil stockpile, rail and track component depot.
- Passenger carriages stabling, provisioning maintenance.
- Infrastructure workshop and maintenance.

It is anticipated that the Stage 2 Rail Park would operate 24 hours per day, seven days per week.

The movement of trains to and from the Main Northern Railway will be controlled by ARTC and will comply with their requirements so as to minimise impacts on rail traffic. The final number of trains to enter the Stage 2 Rail Park will be dependent on a number of factors, including negotiations with ARTC (regarding impacts on train movements on the Main Northern Railway), and commercial factors.

3.5 Site Access

During construction and Business Park Development the Project site will continue to be accessed via the New England Highway, Rutherford.

Development of the Project site will include construction of roads on the Project site and two intersections with the New England Highway. Initial consultation with Roads and Maritime Services (RMS) has indicated that this intersection will need to be upgraded from the existing formation. This intersection design will be developed in consultation with RMS.

3.6 Additional Construction Ancillary Facilities

To support and facilitate the construction of the Project (Stage 1 and Stage 2) the following additional ancillary facilities will be required:

- A contractor's compound, which will include a construction site office and worker amenities.
- Stockpile and storage areas. This will include a storage area for construction materials and a temporary stockpile area for materials to be stored during cutting and filling activities.
- The excavation and processing of fill material (gravel) for reuse onsite

3.7 Duration and Hours of Activity

3.7.1 Construction and Business Park Development

The Project will be developed generally in accordance with the preliminary schedule presented in **Table 1**. Further detail on the actual development schedule will be included within the EIS to be developed for the Project.

Table 1: Conceptual Project Development Schedule

	Months						
	6	12	18	24	30	36	42
Rail Park Stage 1							
Rail Park Stage 2							
Business Park							

Hours of operation will be in accordance with the standard construction hours identified in the *Interim Construction Noise Guidelines* (DECC, 2009).

ARTC has a 12 monthly maintenance program for the Main Northern Railway that includes track possessions, which occur approximately every three months. During track possessions train movements cease for 24 to 110 hours to allow safe access to the rail corridor to allow maintenance and construction activities to occur. Such activities generally occur 24 hours a day during track possessions.

Any construction activities that could be undertaken outside standard construction hours (such as during ARTC track possessions) will be detailed and assessed in the EIS.

3.7.2 Rail Park Operation

It is anticipated the Rail Park will operate 24 hours per day, seven days per week.

4. PROJECT ALTERNATIVES AND JUSTIFICATION

4.1 Options Assessment

B Marheine Holdings Pty Ltd has undertaken a detailed assessment of options for the Project site, in particular the Rail Park design.

The options assessment was undertaken with consideration of environmental, social and economic implications, as well as compliance with the requirements of the ARTC with regard to the interface of the Rail Park with the Main Northern Railway (both infrastructure and operations).

The options assessment addressed a number of rail siding and loop layouts during the feasibility and concept stage of the Project. These included:

1. Option 1: Short parallel sidings running along the Main Northern Railway.
2. Option 2: Clockwise and counter clockwise balloon loops for varying standing room.
3. Option 3: A rail triangle to allow the turning of locomotives.
4. Option 4: Sidings layouts with between 150 – 600 metres of standing room.

The preferred option (being Option 2) allows for a staged approach to the site and rail industry. This will allow for a train storage loop, loading and unloading of containers and additional sidings that facilitate rolling stock maintenance activities. This option best utilises the existing property topography within the associated environmental zone areas, maximising the Project's potential to the rail industry.

4.2 Project Justification

The Project site has the following benefits that facilitate development of the Rail Park and the Business Park:

- It has a total area of 164 hectares, 122.34 hectares of which was zoned in 2011 as B5 Business Development land.
- It is located within the Rutherford Industrial Precinct, which provides an ideal location for light and heavy wagon and locomotive maintenance, as well as a business park development.
- The location of the Project site within the Rutherford Industrial Precinct assists in minimising the potential impacts of the Rail Park on sensitive receivers.
- The Project site is predominantly level, cleared of native vegetation and flood-free land. This minimises earthworks requirements, potential ecological impacts and potential impacts on local hydrology.
- The Project site is adjacent to New England Highway (with 790 metres direct frontage to the highway) allowing seamless connection to interstate and regional road networks.
- It is directly adjacent to approximately 930 metres of the Main Northern Railway allowing connectivity to Interstate rail networks as well as the Hunter Valley Coal Network.

While the Project has three separate elements, its ability to function as an integrated development is what will underpin its commercial success. In turn this means that there is a strong construction, operational, environmental and economic nexus between all elements of the Project: it is the synergies within the development that makes the total Project feasible.

Further discussion regarding the Project element linkages and its overall justification is provided in **Appendix 1**.

In summary, development of the Rail Park at the Project site is justified due to:

- The configuration of the Rail Park allows trains from various directions to access the facility without network disruption. The Hunter Valley Coal Network is the largest coal network in the world and on average run 300 coal, freight and other trains per day.

- The Project site is strategically located to service users of the Hunter Valley Coal Chain, regional NSW rail networks as well as the North South Interstate Rail Network.
- Changes in the rail maintenance market and continuing increases in rail operations (and an increase in the number of operators) mean there is an opportunity for the Rail Park to address the increased demand for maintenance services.

As such the Project can be justified on environmental, social, economic and engineering grounds. Further detail on Project justification will be provided in the EIS.

The suitability of the Project site for a Business Park development was assessed as part of the rezoning application that was approved by Maitland City Council and the Department of Planning and Environment.

5. PRELIMINARY ENVIRONMENTAL ASSESSMENT

5.1 Ecology

5.1.1 Existing Environment

The Project site, including much of the surrounding area, is predominately flat and has been historically cleared of native vegetation for rural land use. Isolated groups of mature trees are located throughout the Project site. A major tributary, Stony Creek, runs through the Project site flowing from west to east, with other smaller unnamed minor tributaries crossing the site. A man made channel has been constructed in the north of the Project site, by the Hunter Water Corporation, to divert water from the New England Highway into Stony Creek.

Previous assessments of the Project site have established that isolated pockets of native vegetation throughout the Project are listed as an endangered ecological community under the *Threatened Species Conservation Act 1995* (TSC Act) as Lower Hunter Spotted Gum Ironbark, Hunter Lowland Red Gum Forest and Seaham Spotted Gum Ironbark Forest.

A search of the Atlas of NSW Wildlife and Protected Matters Search Tool undertaken on 4 August 2015 identified four threatened ecological communities, 15 fauna species and 12 flora species listed under the TSC Act within a ten kilometre radius of the Project site.

An ecological assessment was undertaken to support the rezoning application for MCC. Previous investigations identified one flora species (Salty Red Gum *Eucalyptus glaucina*) and one fauna species (Grey-headed Flying-fox *Pteropus poliocephalus*) within the Project site that are listed under the EPBC Act. The assessment identified a total of 211 flora species, consisting of 157 native plants and 54 exotic or introduced plants from other areas. A total five fauna species listed under EPBC Act were identified as potentially occurring on Project site based on known habitat preferences and local occurrence. These species will require assessment under the EPBC Act.

The koala (*Phascolarctos cinereus*) is listed as occurring within a 10km radius of the Project site. Forest red gum (*Eucalyptus tereticornis*), a listed koala browse tree under Schedule 2 of SEPP 44, has been found to occur within the Project site. Under SEPP 44 this qualifies the area as potential koala habitat. However, whilst the area can be considered potential koala habitat, the lack of evidence of koala in the Project area suggests that it does not support core koala habitat according to SEPP 44 definition.

5.1.2 Potential Impacts

As discussed in **Section 3.1.3**, the Project will require the clearance of approximately 2.5 hectares of endangered ecological communities and known threatened flora and potential threatened fauna species habitat. The majority of this clearance is proposed within areas which are not included within the E3 Environmental Management zoning that was implemented in 2011. They were identified to be remnant stands of endangered ecological communities that are isolated from native vegetation corridors with a vegetation structure and condition diminished due to grazing and partial clearing (Peak Land Management, 2009). As such it was determined that they did not need to be included within the E3 Environmental Management zoning.

Two small sections of the riparian environment along Stony Creek will also be disturbed to provide access to the southern reaches of the Project. The remainder of the area to be disturbed is largely open pasture grasses.

As part of its future land use planning, B Marheine Holdings Pty Ltd proposes to conserve areas of native vegetation. Where possible, the disturbance of native vegetation will be avoided. These areas encompass much of the riparian environment and isolated pockets of vegetation which contain the Lower Hunter Spotted Gum Ironbark and Hunter Lowland Red Gum Forest endangered ecological communities.

5.1.3 Proposed EIS Methodology

It is proposed that the EIS will include a terrestrial flora and fauna impact assessment to assess the potential impact of the Project on species, populations and communities listed under the TSC Act and EPBC Act. The assessment will be undertaken in accordance with the applicable NSW Office of Environment and Heritage (OEH) and Commonwealth Department of the Environment and Energy assessment guidelines. This will include:

5.1.3.1 Desktop Assessment

A desktop assessment will be performed including:

- Review of existing ecological assessments covering the Project site and surrounds, to describe the existing environment of the Project site.
- Review of threatened species databases to confirm and update (where applicable) local records of threatened species, populations and ecological communities listed under the TSC and EPBC Acts.
- Review of local and regional vegetation mapping.
- Review of any publicly available ecological assessments undertaken in the local area.
- Review of the Project design and layout to consider the potential impacts on the ecological features of the Project site.

5.1.3.2 Fieldwork

Field survey will be undertaken to ground-truth vegetation mapping and determine the extent, condition and conservation significance of vegetation and habitats.

Field surveys within the Project site will include:

- Assessment of vegetation type, condition and connectivity; vegetation mapping and identification of endangered ecological communities listed under the TSC Act and EPBC Act.
- Identification of potential habitat for threatened flora species and targeted searches for threatened flora species with the potential to occur.
- Terrestrial fauna habitat assessment, including searches of potential threatened fauna habitat or resources (such as feed trees and hollow-bearing trees) and evidence of fauna activity (such as diggings and scats) to assess habitat values within the Project site and the potential for threatened fauna species to occur.
- Observations of native fauna, including diurnal birds and mammals, frogs and reptiles. This will include opportunistic observations and potentially targeted surveys.

5.1.3.3 Impact assessment

The terrestrial flora and fauna impact assessment will include:

- Project site overview including fauna habitat, vegetation communities, threatened species, legislative context, methodology and existing ecological conditions within the Project site.
- Results of the desktop review and fieldwork.
- Assessment of the potential impacts of the Project on flora and fauna. This will consider impacts on fauna and their habitats (particularly threatened species as relevant).
- Assessments of Significance, according to the seven factors listed under section 5A of the EP&A Act (the 'seven-part test'), for species listed on the TSC Act.
- Assessments of Significance according to the EPBC Act Significant Impact Guidelines 1.1 Matters of National Environmental Significance, for species listed on the EPBC Act.
- Recommendations to avoid or mitigate impacts, including a preliminary description of the biodiversity offsetting that will be provided.

5.2 Noise and Vibration

5.2.1 Existing Environment

The environment surrounding the Project site is largely influenced by road traffic noise on the New England Highway, rail noise from the Main Northern Railway, aviation noise from Maitland Airport and industrial noise from surrounding industrial and business development in Rutherford. A noise impact assessment undertaken to support the rezoning application to MCC indicated that existing industrial noise impacts were minimal.

5.2.2 Potential Impacts

A number of the activities described in **Section 3** have the potential to generate noise and vibration. Due to the close proximity of existing rail infrastructure, the New England Highway, industrial and business development and the relatively low residential population density of the surrounding area, it is expected that noise and vibration from construction and Rail Park Operations are unlikely to adversely impact on sensitive receivers.

5.2.3 Proposed EIS Methodology

The following key tasks will be undertaken as part of a noise and vibration impact assessment to assess the noise and vibration impacts associated with the Project:

- Undertake noise monitoring to determine the background noise levels for the Project site and surrounds.
- Based on noise monitoring results, establish Project specific noise and vibration goals with consideration to the following publications:
  - *Industrial Noise Policy* (EPA, 2000)
  - *Interim Construction Noise Guideline* (DECCW, 2009)
  - *Assessing Vibration – A Technical Guideline* (DEC, 2006)
  - *Rail infrastructure noise guideline* (EPA, 2013).
- Identify the likely principal noise and vibration sources for each of the Project elements.
- Undertake modelling to predict noise and vibration impacts generated during construction and operation of the Project. This will include:
  - Predictions for standard construction hours, evening and night time and consideration of cumulative noise and vibration with other sources (Rail Infrastructure, New England Highway, Maitland Airport and industrial and business developments).
  - Predictions for Rail Park operations noise levels.
- Assess the predicted noise and vibration levels against the Project specific goals.
- Identify mitigation measures to be implemented to manage potential noise and vibration impacts so that the Project complies with applicable criteria.

5.3 Air Quality

5.3.1 Existing Environment

The local air environment is likely to be fair to good. Potential local air quality influences include road transport (including the New England Highway and local roads), rail transport (trains on the Main Northern Railway adjoining the Project site), industrial and business developments in the Rutherford Industrial Estate (including dust from construction of new developments), agricultural activities and dust from unsealed roads in adjoining rural areas.

An odour assessment was undertaken to support the rezoning application to MCC. The assessment identified a number of potential sources of odour within the local area. It was identified that Maitland Airport may pose a localised source of odour, through the import, storage and subsequent distribution of aviation fuel to enable the operation of the aircraft. Residential properties bordering the Project site may have localised sources of odour that would likely not extend beyond the boundary of these properties. Rutherford Industrial Estate, located to the east, contains mixed industrial and commercial land uses, including waste oil storage and treatment, a liquid waste treatment facility, bitumen works, agricultural saleyards, ceramic tile manufacturing and numerous other small scale industrial and commercial facilities.

There is a known ongoing, persistent and significant odour nuisance issue associated with the activities undertaken at Rutherford Industrial Estate.

5.3.2 Potential Impacts

The Project has the potential to generate air quality impacts. Earthworks during construction have the potential to generate dust. The implementation of standard dust control measures (such as dust suppression, minimising the area of exposed soils and appropriate demolition techniques) will reduce the potential for dust generation.

Given the nature of the Project it is unlikely that any of the elements would present potential odour impacts or contribute to the localised odour issues of the Rutherford area.

5.3.3 Proposed EIS Methodology

In order to determine the potential air quality and odour impacts associated with the Project, the air quality impact assessment will identify:

- The existing climactic and air quality of the Project site and surrounding area.
- The potential dust and vehicle emissions sources during the Works and Business Park Development.
- The potential dust and vehicle emissions sources during the Rail Park Operations.
- The potential sensitive receivers that could be impacted by these emissions.
- The management measures to be implemented to minimise the potential for emissions to impact on sensitive receivers.

5.4 Aboriginal Heritage

5.4.1 Existing Environment

The Project site has been significantly disturbed and cleared of native vegetation and pastures have been improved for grazing purposes. Grazing has caused a considerable amount of soil compaction, erosion and degradation to the environment, which can cause damage, displacement or loss of aboriginal artefacts.

Biosis Pty Ltd has been engaged to conduct the Aboriginal Cultural Heritage Assessment of the Project. Biosis has conducted a review of the OEH Aboriginal Heritage Information Management System (AHIMS), reviewed the extensive array of previous studies conducted within the area including the study completed to inform the rezoning application and conducted a site survey.

These investigations identified a number of sites within the Project area, including isolated finds, artefact scatters and potential archaeological deposits (PAD). A total of 22 sites were recorded including: six isolated finds, 11 artefact scatters and three PADs.

Table 2 outlines the archaeological sites located within the Project site identified to date.

Table 2: Sites Recorded on the Aboriginal Site Register of NSW

AHIMS Site No.	Site Name	Site Type (number)	Significance
Pending	Rutherford Business Park (RBP) 1	Isolated find	Moderate
Pending	RBP2	Artefact scatter (2)	Low
Pending	RBP3	Isolated find	Moderate
Pending	RBP4	Artefact scatter (3)	Moderate
Pending	RBP5	Isolated find	Moderate
Pending	RBP6	Artefact scatter (2)	Moderate
Pending	RBP7	Artefact scatter (3)	Moderate
Pending	RBP-PAD1	PAD	TBA
37-6-0122	Lochinvar; Farley: H	N/A	Site salvaged by Dyall (1979)

Table 2: Sites Recorded on the Aboriginal Site Register of NSW

AHIMS Site No.	Site Name	Site Type (number)	Significance
37-6-1937	Rutherford Employment Area (REA) PAD 1	PAD	TBA
37-6-1938	REA PAD 2	PAD	TBA
37-6-1940	REA1	Artefact scatter (>21)	Moderate
37-6-1941	REA2	Artefact scatter (2)	Low
37-6-1942	REA3	Isolated find	Low
37-6-1943	REA4	Isolated find	Low
37-6-1944	REA5	Artefact scatter (>27)	Moderate
37-6-1945	REA6	Artefact scatter (6)	Moderate
37-6-1946	REA7	Artefact scatter (3)	Moderate
37-6-1947	REA8	Artefact scatter (3)	Moderate
37-6-1948	REA9	Isolated find	Moderate
37-6-1949	REA10	Artefact Scatter (3)	Moderate
37-6-2244	Rutherford Rail 4	N/A	Site salvaged by Kuskie (2012)

5.4.2 Potential Impacts

There is the potential that earthworks will require the removal or destruction of the known and previously unknown Aboriginal heritage and cultural relics.

Any works associated with construction and earthmoving along the creeks and drainage lines could potentially impact upon artefacts, PADs and potential subsurface materials.

5.4.3 Proposed EIS Methodology

The following key tasks have been or will be undertaken as part of an Aboriginal Cultural Heritage Assessment to assess the potential impacts on Aboriginal culture and heritage associated with the Project:

- Implement the Aboriginal consultation process to meet Stages 1 to 4 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010).
- Review the OEH AHIMS database and obtain relevant site cards and reports.
- Mapping of all identified registered Aboriginal heritage objects identified from these reviews.
- Survey of targeted areas within the Project site with a qualified archaeologist and representatives of Aboriginal stakeholders.
- Preparation of a draft Aboriginal Cultural Heritage Assessment report which will include the following tasks:
  - Documentation of all Aboriginal consultation to meet the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010).
  - Mapping of existing sites identified during the earlier due diligence assessment, any additional sites or areas of Potential Archaeological Deposits (PADs) identified during the field survey to meet the requirements of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH, 2011) and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010).
  - Assessment of the significance of any sites and/or PADs identified during the survey.
  - Identification of potential impacts resulting from the Project to any sites.
  - Provision of recommendations to reduce or mitigate any impacts within the relevant legislative context.
  - Documentation of the findings within the assessment report in accordance with *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH, 2011) and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010).

The draft assessment report will be issued to the Aboriginal stakeholders for review and comment before finalising for inclusion in the EIS.

5.5 Soils and Contamination

5.5.1 Existing Environment

5.5.1.1 Soils

The 1:100,000 Soil Landscape Sheet of the Newcastle Region (DLWC, 1995) indicates that the Project site is characterised by two soil landscapes, Wallalong Landscape and the Bolwarra Landscape in the southern reaches of the Project site. The Wallalong Landscape is characterised by alluvial fans and drainage plains with slopes of 1% to 3%. The Bolwarra Landscape is typically rolling low hills on slopes of 5% to 20% and an elevation up to 100m.

Reference to the 1:25000 Acid Sulphate Soils (ASS) risk map for Maitland (DLWC, 1997) indicates that there are no known occurrences of ASS within the Project site. The surface elevation of the Project site is generally greater than 18 metres Australian Height Datum (AHD), which supports the case that ASS are not present, as they are generally encountered at elevations of less than 10 metres AHD.

5.5.1.2 Contamination

A preliminary contamination and geotechnical assessment was undertaken to support the rezoning application to MCC. A review of available information determined that the Project site has generally been used for farming and no other development has taken place.

Based on the desktop review, potential sources of contamination have been identified in localised areas. Contamination results were consistent with typical farming related activities and were associated with stockpiled building materials, chemical storage and effluent management. Potential contaminants include hydrocarbons, heavy metals, pesticides, asbestos, polychlorinated biphenyl (PCB), PAS, microbiological or organic compounds. The potential for gross contamination is considered low due to the nature of rural land use practices.

5.5.2 Potential Impacts

5.5.2.1 Soils

The Works have the potential to result in erosion and sediment loss from a number of sources, including:

- Clearance of native vegetation.
- Earthworks for the cutting and filling process.
- Stockpiling of excavated materials.
- Construction of the Works, access roads and ancillary facilities.
- Dirt and material tracked onto public roads.

Wherever possible, excavated material will be reused on site. Any materials requiring offsite disposal will be classified in accordance with the Waste Classification Guidelines (DECC, 2009a) prior to removal to a licensed waste management facility. Where suitable, spoil from construction will be backfilled, stockpiled prior to reuse or spread over vacant areas on the Project site.

5.5.2.2 Contamination

The location and quantity of contaminated soils to be disturbed during the Project has not yet been determined, but it is unlikely to be significant. In the event that contaminated soils are identified in areas impacted by the Project, these will be managed as required based on the type and level of contamination.

5.5.3 Proposed EIS Methodology

5.5.3.1 Soils

The EIS will address the following:

- The existing soil and geological conditions of the Project site.

- The potential impacts on soils during the Works.
- Erosion and sediment control measures to be implemented as part of the Works to minimise the potential for erosion and sediment loss.

5.5.3.2 Contamination

A Phase 1 Contamination Site Assessment will be undertaken of the Project site. This will include the following:

- A review of previous contamination assessment of the Project site.
- A review of historical photographs and the Section 149 Certificates for the Project site to identify potential historical contaminating activities.
- Field investigations to identify potential areas of contamination, in particular those areas identified in previous assessments.
- Where the potential for soil contamination is identified, undertake limited soil sampling to indicate the type, concentration and distribution of contaminants.
- Identify the measures to be implemented for contaminated soils (which may include additional investigations).

5.6 Waste Management

5.6.1 Potential Impacts

The Project will generate miscellaneous construction waste that will be categorised and managed in accordance with DECC's *Waste Classification Guideline* (2008).

Waste sources during construction include but are not limited to:

- Green waste: from clearance of vegetation required for construction of the Works and the Business Park Development.
- Construction wastes: packaging and excess materials from construction materials used.
- General waste: food wrapping, office waste and other general materials.
- Human wastes: from toilet facilities provided for Works personnel.

As discussed in **Section 5.5.2.1** wherever possible excavated material will be reused on site in construction of the Works.

Construction waste will be stored in a managed location prior to transportation to a licensed waste management facility for recycling or disposal.

Rail Park operation will generate the following wastes:

- Maintenance waste: This will include packaging and containers for materials, oils and other byproducts of the maintenance activities. Material procurement will be managed to minimise packaging and excess materials. Any maintenance wastes will be transported to a licensed waste facility for disposal.
- General waste: Personnel will generate waste such as food wrapping. Waste disposal facilities are available at the facility and will be disposed of according to current procedures.
- Sewage: The office and ancillary facilities will include amenities connected to a sewerage system.

5.6.2 Proposed EIS Methodology

The Project Description will describe the wastes to be generated during construction and operation of the Project and how they will be appropriately managed.

5.7 Hydrology and Water Quality

5.7.1 Existing Environment

Stony Creek is the main watercourse at the Project site, flowing from west to east, with other smaller unnamed minor tributaries to Stony Creek crossing the Project site. Stony Creek and its tributaries are ephemeral watercourses that are dependent on rainfall runoff.

The Project site has been cleared for grazing, with nearly all riparian vegetation cleared and the creek and tributaries disturbed by livestock. Construction of the Main Northern Railway has impacted the upstream reaches of Stony Creek causing erosion in this area. Stony Creek flows to Wentworth Swamp, which is a backwater swamp area of Swamp Creek and Wallis Creek, which then flows into the Hunter River.

A man made channel (located within a Drainage Easement) has been constructed in the north of the Project site, to divert water from the New England Highway into Stony Creek. The diversion was constructed as a result of the highway being elevated above the landscape and impeding the natural drainage channel. Drainage lines to the north of the highway drain through a large culvert under the highway and into the man-made channel, before draining to Stony Creek.

Site gradients are generally very flat 1% - 3%, with some isolated areas up to 10% slope.

There are three dams present on the Project site. One dam is located on Stony Creek, and the other two over an unnamed tributary in the southeast of the Project site, located near the Main Northern Railway.

A stormwater assessment was undertaken to support the rezoning application to MCC. The assessment indicated that 1:100 year Annual Recurrence Interval (ARI) peak flood flows will be generally contained within the core riparian zone of the watercourses and all within vegetated buffer zone. The assessment also noted that groundwater was not encountered on the Project site during investigations, however groundwater levels may vary due to climatic and permeability factors.

5.7.2 Potential Impacts

The Project will include a number of activities that will require implementation of measures to protect water quality and manage hydrological conditions. This will include:

- Clearing of vegetation for construction of the Project.
- Earthworks (excavation and filling).
- Temporary stockpiling of excavated materials.
- Construction of roads. This includes construction of road crossings over Stony Creek to connect the rail facility and Business Park.
- Management of runoff, including dust suppression water during construction, and runoff generated from hardstand and other developed areas during Rail Park Operation.

Construction of roads over Stony Creek is required in order to access the southern reaches of the Project site, including the Rail Park. The crossings of Stony Creek will be designed and constructed to not affect 1:100 year ARI peak flood flows (and therefore not generate adverse flood impacts upstream of the crossings) and to maintain flows in the watercourse. The crossings will also be located and constructed to minimise disturbance to the riparian environment. Measures will also be required to prevent sheet flow impacting on adjoining properties.

A stormwater assessment prepared for the rezoning application to MCC made assumptions for proposed development of the Project site, in accordance with Council's stormwater requirements. The proposed stormwater management strategy outlined in the rezoning application stormwater assessment included:

- Stony Creek to remain as a drainage corridor.
- Water quality controls at source, street level and precinct level for the proposed development.
- Determination of flood extents and hazard categories.
- Provision of flood free access.

The Project will be constructed with appropriate stormwater drainage management infrastructure to mitigate potential water quality and hydrology impacts.

5.7.3 Proposed EIS Methodology

A Hydrology and Water Quality Assessment will be undertaken to assess the potential impacts from the Project. The EIS will include the following detail:

- Existing hydrology and water quality.
- Hydrological and flood modelling for the Project site.
- Assessment of the potential impacts on hydrology and water quality.
- Identification of stormwater management measures to be included in the Rail Park and Business Park design to mitigate potential impacts.
- Measures to be implemented to avoid, mitigate or manage hydrology and water quality impacts during the Works and the Business Park Development.

5.8 Social

5.8.1 Existing Environment

As discussed in **Section 3.1**, the Project site is located approximately 100 metres from the nearest sensitive receiver. The land surrounding the Project site is predominantly rural land holdings, small industry, rail and road infrastructure. The site is also proximate to significant commercial developments including the Hunter Super Centre and surrounding shops.

5.8.2 Potential Impacts

Development of the site for a Rail Park and Business Park is generally consistent with Maitland City Council's Strategy which identifies the Project site as 'undeveloped employment land'. The Project will generate employment during construction, through operation of the Rail Park and through the development and the ultimate operation of the Business Park.

The scale of the development is not anticipated to result in any significant increase to utilisation of service providers. Therefore no significant social impacts are anticipated as a result of the development of the Project.

5.8.3 Proposed EIS Methodology

The EIS will describe the existing social environment, identify potential social costs and benefits and document the community consultation undertaken.

5.9 Traffic and Access

5.9.1 Existing Environment

The Project site is serviced by the New England Highway. The New England Highway is one lane in each direction with enhanced capacity at selected intersections near to the Project site.

With the exception of a short driveway access to an existing dwelling, there are no sealed internal roads at the Project site.

5.9.2 Potential Impacts

Section 3 discusses the potential sources of traffic on public roads generated by the Project, and the likely routes that Works vehicles will travel. **Section 3** also discusses the required intersections and roads that will be constructed within the Project site to service the Works, as well as the ongoing operation of the Rail Park and the Business Park.

Works vehicles travelling on public roads will include personal vehicles of Works personnel, trucks for the delivery and removal of construction machinery and works compound components and removal of recyclable and reusable materials. A temporary parking area for the Works will be provided as part of the Works temporary facilities. Traffic movement during the Works will be intermittent.

Access to the Project site during the Works will be in accordance with a Traffic Management Plan prepared in consultation with RMS and RMS's *Traffic Control at Work Sites Manual* in order to maintain safe traffic conditions and minimise traffic and access disruptions.

It is anticipated that the Project site during the Works will be accessed via the location of the proposed Project site entrance (refer to **Figure 2**) off the New England Highway.

Initial consultation with RMS has indicated that the access to the Project site from the New England Highway will require upgrade to an intersection formation. The design for this intersection will be developed in consultation with RMS and included in the EIS.

Traffic during operation of the Rail Park and Business Park is likely to be consistent with that generated by the adjoining industrial and business developments. The numbers of vehicles to be generated during the Rail Park Operation, and an estimate of traffic generated by the Business Park, will be considered in the design of the intersection with the New England Highway.

5.9.3 Proposed EIS Methodology

The EIS will include a Traffic Impact Assessment that will determine the predicted traffic generation during the Works, estimating numbers and likely types of vehicles. It will also confirm the routes that will be travelled by Works vehicles and identify traffic controls that may be required on public roads to minimise potential safety, access and traffic impacts.

The Traffic Impact Assessment will also estimate the traffic generated by the Rail Park operation and Business Park Development, and ensure that an acceptable Level of Service will be provided at the intersection with the New England Highway.

5.10 Visual and Aesthetics

5.10.1 Existing Environment

The existing visual environment of the Project site is dominated by four main elements:

- The cleared agricultural land, which dominates the majority of the Project site.
- Native vegetation. The southern reaches of the Project site are partly screened by a riparian buffer zone that runs from west to east. Isolated pockets of native vegetation are scattered throughout the Project site.
- The New England Highway, to the north of the Project site.
- Residential dwellings and small farm sheds.

From many directions the majority of the Project site is visible due to extensive clearing of native vegetation and the local topography. Some rural residences to the north and west have views of Project site, as do motorists travelling on the New England Highway.

5.10.2 Potential Impacts

The Rail Park will be mostly situated in the southern reaches of the Project site, approximately 700 metres from the New England Highway, and will be partially screened by existing vegetation. Upon development of the Business Park there will be limited views to the Rail Park from the surrounding residents and should not be visible from the New England Highway.

The Business Park will be located in the north of the Project site and will be visible to surrounding residences and motorists on the New England Highway. The Project amenity will be similar to that of the existing industrial and business development located to the east.

5.10.3 Proposed EIS Methodology

The EIS will assess the potential visual impact of the Project, including both the final landform and during construction. The visual impact assessment will:

- Identify the visual corridors to the Project site and the existing visual landscape from these areas.
- Determine the future visual landscape upon completion of the Project from these areas and assess the potential visual impacts.
- Assess the potential visual impacts during the Project and identify management measures (if required) to mitigate potential impacts.

5.11 Non-Indigenous Heritage

5.11.1 Existing Environment

A search of the NSW Heritage Inventory did not identify any heritage items of local or state significance within the Project site. The nearest listed heritage item is Anambah House which is approximately three kilometres to the north-east of the Project site.

A search of Schedule 5 of the Maitland LEP indicated one locally listed heritage item is located within the study area, listed on the heritage schedule as *Government Railway, Maitland LEP 2011 # I119*.

5.11.2 Potential Impacts

The Project will have a negligible impact on the Main Northern Railway Line, as the modifications to the current track will be confined to a third track which was added to the corridor in 2012 and does not contain any heritage values.

5.11.3 Proposed EIS Methodology

The EIS will include a non-indigenous heritage impact assessment which will:

- Describe the history of the Project site within the context of non-indigenous heritage;
- Assess the potential for impact to the Main Northern Railway from the Project;
- Confirm the presence or otherwise of items of non-indigenous heritage; and
- Recommend mitigation and management measures as appropriate for any identified items.

5.12 Cumulative Impacts

5.12.1 Potential Impacts

The Project has the potential to generate cumulative impacts with other activities in the local area, including:

- Noise and air quality impacts generated from nearby industrial and business development, road and rail traffic, and the Maitland Airport.
- Traffic impacts from nearby industrial and business development, highway traffic and other land uses.
- Future construction activities or developments that may be undertaken in the local area, such as future development at the Rutherford Industrial Estate.
- In addition, activities undertaken within the Works could be undertaken concurrently and have cumulative impacts.

5.12.2 Proposed EIS Methodology

The EIS will consider the contributions of other activities in the local area when considering the overall impact of the Project. It will also consider the impacts of concurrent activities at the Project site so that maximum potential impacts are considered and assessed.

6. STAKEHOLDER ENGAGEMENT

6.1 Local Community

The Project site is located approximately 100 metres from the nearest sensitive receiver (the Rail Park will be approximately 250 metres from the nearest sensitive receiver). The land surrounding the Project site is predominantly rural residential and small to medium industrial operations. On previous occasions B Marheine Holdings has consulted with neighbouring properties, and consultation with them and other sensitive receivers will continue during the EIS preparation.

A Stakeholder Engagement Strategy will be developed for implementation during preparation of the EIS. Implementation of the strategy will allow the community and other stakeholders to be informed about the Project, and allow stakeholder issues to be identified and addressed in the EIS.

6.2 Indigenous Stakeholders

Consultation with the local indigenous community has been and will continue to be undertaken as part of the Aboriginal Heritage Impact Assessment (as described in **Section 5.4**). The knowledge and interests of the community will form a key part to understanding the potential for the Project to impact on Aboriginal heritage and culture.

6.3 Government Agencies

B Marheine Holdings Pty Ltd has maintained communications with key government agencies during identification and assessment of options for the Project site, including ARTC, Department of Transport and Department of Planning and Environment (Hunter Region). Consultation with these agencies will continue during the EIS preparation period.

As the Project design and EIS development continues B Marheine Holdings Pty Ltd will engage with other relevant agencies, such as the Department of Planning and Environment (Major Projects), Environment Protection Authority (EPA), MCC, Roads and Maritime Services (RMS), OEH, Rural Fire Service (RFS) and the Commonwealth Department of the Environment and Energy.

7. NEXT STEPS

The purpose of this PEA is to provide preliminary information on the environmental benefits and risks of the Project. This will assist the Department of Planning and Environment and other relevant agencies to understand the Project and develop the requirements for the EIS in accordance with the EP&A Act and Regulation (the SEARs).

An EIS will then be prepared in accordance with the SEARs and relevant legislation, regulations and policies.

Consultation during preparation of the EIS will be undertaken so that stakeholders and members of the community are provided with the opportunity to identify issues that will be included and addressed in the EIS.

8. REFERENCES

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Peak Land Management. 2009. "Ecological Constraints Assessment - West Rutherford Investigation Area".

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9. LIMITATIONS

Ramboll Environ Australia Pty Ltd prepared this report in accordance with the scope of work as outlined in our proposal to B Marheine Holdings Pty Ltd dated 24 July 2015 and in accordance with our understanding and interpretation of current regulatory standards.

Site conditions may change over time. This report is based on conditions encountered at the site at the time of the report and Ramboll Environ Australia Pty Ltd disclaims responsibility for any changes that may have occurred after this time.

The conclusions presented in this report represent Ramboll Environ Australia Pty Ltd's professional judgment based on information made available during the course of this assignment and are true and correct to the best of Ramboll Environ Australia Pty Ltd's knowledge as at the date of the assessment.

Ramboll Environ Australia Pty Ltd did not independently verify all of the written or oral information provided to Ramboll Environ Australia Pty Ltd during the course of this investigation. While Ramboll Environ Australia Pty Ltd has no reason to doubt the accuracy of the information provided to it, the report is complete and accurate only to the extent that the information provided to Ramboll Environ Australia Pty Ltd was itself complete and accurate.

This report does not purport to give legal advice. This advice can only be given by qualified legal advisors.

9.1 User Reliance

This report has been prepared exclusively for B Marheine Holdings Pty Ltd to support a request for SEARs to the Department of Planning and Environment. It may not be relied upon by any other person or entity without Ramboll Environ Australia Pty Ltd's express written permission.

APPENDIX 1
RUTHERFORD PARK FREIGHT AND BUSINESS CENTRE: PROJECT OVERVIEW AND CONTEXT

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Economics

Working BeyondExpectations

RUTHERFORD PARK FREIGHT AND BUSINESS CENTRE
Project Overview & Context

Strategic & State Significance Summary Document

Applicant: B Marheine Holdings Pty Limited.

Date:
30 January, 2017

Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft	26/07/2016	Jenny Roberts	Kim Latter
B	Draft	29/07/2016	Jenny Roberts	
C	Draft	03/08/2016	Jenny Roberts	Warren Hedley
D	Final	30/01/2017	Jenny Roberts	Warren Hedley Belinda Sinclair James Wilson

Table of Contents

1.0 Introduction

This document has been developed by ADW Johnson Pty Limited (ADW Johnson) on behalf of B Marheine Holdings Pty Ltd to provide project context and outline the justification for the development of a Rail Park and a Business Park, collectively known as the Rutherford Park Freight and Business Centre in Rutherford NSW (the Project).

2.0 Site Location

The Project is perhaps best understood in the context of the site location and attributes.

The Project site is located between the southern side of the New England Highway and the northern side of the Main North Rail line (MNR). The Project site is to the west of the Rutherford Industrial Estate and directly opposite Maitland Airport. The Project site directly adjoins approximately 1,010 metres of the MNR line and direct vehicular access to the New England Highway.

The Project site in rail terms is ideally located near the juncture of the MNR and the North Coast Rail line (NCR).

The Project site is approximately 9 kms west of Maitland CBD and 40 kms by road from the Newcastle City Centre and the Port of Newcastle. It is 20 kms (by road to the M1 or M15 Motorways.

Access is the key advantage for the Project site. See figures in section 9.

Via the MNR the site has access to the significant coal and agricultural districts of the Hunter, as well as the central, southern and north western regions of NSW. The site also has access to the Northern Coast Rail line (NCR) and the agricultural product of that region. The site is capable of providing a hub for trains traveling to and from the Port of Newcastle and Port Botany.

The site sits outside the Sydney rail network "curfews", the road congestion, high land prices and competition by other higher value uses of the Sydney Metropolitan basin, yet within 2 hours of key facilities, markets and freight centres.

The New England Highway is a NSW State owned highway which connects the Lower Hunter to the Queensland Boarder via an inland route. The New England Highway carries some 40,000 vehicles per day adjacent to the Project site.

The Project site is made up of four lots and unformed private roads, with an approximate total area of 152 hectares. The Project site is currently owned and managed by B Marheine Holdings Pty Ltd and has historically been used for agricultural purposes. The Project site is predominantly zoned B5 and is relatively unconstrained by issues of flooding, slope, noise, vegetation or residential amenity.

With direct access to the MNR and close proximity to the NCR, through the construction of a balloon loop the Project site can be accessed by freight, coal and passenger trains traveling in both directions from these lines. This means that the Project can accommodate:

- Train stabling, provisioning, cleaning, maintenance and repairs;
- Train loading, unloading and shunting operations;
- Storage, processing, packaging, and containerization of products;
- Support and component manufacturing and refurbishment of rollingstock equipment components and track parts;
- Storage, maintenance and repair of track and permanent way machinery, equipment and plant;

- Shuttle train transfer of product to and from the Ports of Newcastle and Botany;
- Transfer and distribution of products onto rail and vice versa;
- (Others) Serve as an open access rail hub to service existing and new rail and road businesses developments; and
- Provide a location for rail companies to base crew depots that service both regional and metro locations;

The Project site is ideally situated to provide ultimate flexibility for rail operators requiring access to the Hunter Valley and Interstate Rail Networks as well as direct access to regional NSW, the Port of Newcastle and Port Botany. The Project site connects directly with the existing MNR immediately west of the junction of the MNR with the NCR, which allows access to Brisbane and Melbourne.

The MNR is operated and maintained by the Australian Rail Track Corporation (ARTC) who provide Open Access to the Interstate Rail Network and the Hunter Valley rail network for all accredited rail operators.

The project is unique in NSW and offers strategic, economic, employment, transport and trade benefits to the State, northern NSW and the Hunter Region. There is no other site in NSW that can offer the following combination of attributes:

- Provides Open Access rail terminal and facilities to match rail corridor;
- Direct rail access to the MNR line;
- Close access to the NCR line;
- Direct access to the New England Highway;
- Direct access to and from the Port of Newcastle;
- Land with direct rail access to the significant mining and agricultural markets of NSW;
- A surrounding appropriately skilled workforce;
- Passing freight services with significant existing and growth capacity;
- Over 150 ha of flat land;
- Land largely unconstrained by vegetation, drainage, heritage or environmental issues;
- Land which is not constrained by issues of amenity or impact on neighbouring communities; and
- Land in single ownership which can be master planned and delivered in a logical and sequential manner.

3.0 Project Description

The Project involves development in two stages. Stage 1 of the development generally includes construction and operation of a rail spur and loop, a rail maintenance and provisioning facility, a 10 into 74 lot subdivision and a Business Park. Stage 2 will provide 'concept approval' for a freight transport facility.

Stage 1 of the Project includes the following:

- Construction and operation of a rail spur, loop and signage. The rail spur and loop will connect to the northern side of the third track (Up Relief Main) of the Main Northern Rail Line and will comprise approximately 3,350 metres of track including:
  - Rail Spur/ City (eastern) End Connection track (1,350 metres);
  - Balloon Loop track (1,650 metres); and
  - Country (western) End Connection track (350 metres).
- Construction and operation of a rail maintenance and provisioning facility which will comprise:
  - Internal private roads and car parks;
  - Internal track network;
  - Administration building;
  - Wagon and maintenance workshop;
  - Wagon and maintenance laydown area;
  - Wagon component remanufacturing engineer workshop;
  - Locomotive provisioning and maintenance workshop;
  - Motive power engineering remanufacturing workshop;
  - Wheel lathe building;
  - Wash bay;
  - Sand blasting and spray paint booth;
  - Hardstand and lay down areas; and
  - Operations 24 hours per day, seven days per week.
- A 10 into 74 lot subdivision, of which one lot will comprise the Rail Park and 73 lots will comprise the Business Park.
- A 73 lot Business Park with lot sizes ranging from approximately 1,600 square meters to approximately five hectares.
- Roads, including two New England Highway intersections and internal public and private roads; services connections, installation and relocations; earthworks (cutting and filling); rock crushing; demolition of existing structures; water management structures; and landscaping.

A concept design for Stage 2 of the Project has been developed and will likely include:

- Freight Transport Facility, with indicative land uses including:
  - Internal private roads and car parks as required.
  - Internal track network as required.
  - Intermodal Terminal.
  - Empty Container Park.
  - Road weighbridge.
  - Bulk Fuel Farm and administration.
  - Container repair and wash area.
  - Cold storage container hardstand and warehouse.

    - Frozen good container hardstand and warehouse.
- Ballast and spoil stockpile, rail and track component depot.
- Passenger carriages stabling, provisioning, maintenance and repair depot.
- Infrastructure workshop and maintenance.
- Operations 24 hours per day, seven days per week.

The three components of the Project (being the rail maintenance facility, the freight transport facility and the business park) offer significant opportunities for synergies and business development. It is the Project site's access to both the MNR and NCR lines that drives the Project and the specialist rail services and maintenance facilities it will offer. Through the combination of a freight transport facility, a rail maintenance facility and close proximity to a business park, the Project will deliver significant beneficial strategic outcomes for the New South Wales economy and the community of the Hunter.

While the Project is described as having three core elements it is an integrated site and development. Business will be attracted to the Project site because of the rail asset qualities and comparative advantages of the site to other business park developments. B Marheine Holdings Pty Ltd is marketing the opportunities for integration between the Project elements and anticipates the relationships between users will emerge as the various land uses become established.

Ultimately, the conditions of consent and management of the Project site as a whole is fundamental to optimising the business and employment opportunities of the proposal.

4.0 The Project Rationale

The Project will fill the gap that exists in the market, where there is a shortage of open access maintenance and service facilities for rail transport and infrastructure providers, within strategic reach of the core market facilities in Sydney and Newcastle.

There are currently four main rail haulage providers operating in the NSW coal market. In practice the freight market operates as a duopoly. These two operators have recently constructed and opened private train support facilities for their own specific fleet requirements.

Most other operators have little option but to have their fleet serviced and maintained in Sydney, Brisbane or Melbourne based facilities. NSW is losing business to Brisbane or Melbourne. The proposed Rutherford facility will provide open access maintenance and servicing opportunities for the many new and existing smaller rolling stock entrants, essentially capitalising on the market gap. It may also provide a servicing option for passenger trains and spill over services for the big rail haulage incumbents. The Project site will offer niche servicing that the private facilities do not cater for.

The Project's rail strategy would allow for regional trains to access the Project's facilities and amenities and connect with resulting port shuttles. This will allow for improved planning of track access windows across the Country Regional Network, the ATRC Network and the Sydney Trains Network. The ability of the Project site to offer stabling, provisioning, crewing and rolling stock maintenance services at a single location will be attractive to current and future rail operators.

The rail strategy devised for the Project takes advantage of the issues faced by agribusiness operators matching multiple network train paths, curfews, port and empty container park windows from up to 550km from port, particularly at harvest times and when there are delays within or across the rail network. The ability to schedule in to an intermediate hub for crewing of trains provides more flexibility with crew rostering and fatigue management issues.

The concept of drop and swap rail operations has been successful in other port shuttle operations and this type of operation has been incorporated into the Project. This will affectively see additional wagons allocated across a number of operators: as a regional train arrives at the Project Site its locomotive would detach and stack the port bound consist. From this point it would provision locomotives and a new crew would take over from the incoming crew, attaching the locomotives to the incoming port shuttle consist for the return of the train loaded with empty containers and any loaded containers to the regional terminals.

The benefits of drop and Swap are:

- Shorter train haulage operations with improved management, planning and crewing options.
- Direct connection to Port of Newcastle and Port Botany without loading or unloading of container at the intermediate rail terminal (simply swap locos and crews between regional and port shuttle train rakes).
- Ability to provide improved co-ordination across the logistics chain.
- Improved safety and fatigue management.

- Improved access to critical port and container parks infrastructure.
- A staging location for out of course running train services.
- Reduced cost to agribusiness producers and rail operators.

5.0 State Significance

The Project meets the capital value threshold for State Significance. The preliminary Capital Investment Value (CIV), based on the current level of design for the Rail Park is $60,000,000. The preliminary CIV for the Business Park is $43,100,000. The overall preliminary CIV of the Project is $103,100,000.

This estimated CIV provides for the infrastructure necessary to allow individual business to locate and develop within the precinct. The total development cost will very much depend on the nature of businesses that locate in the precinct. Current estimates based on a low development level and low building costs is estimated to be $213 million.

The Project is also considered strategic and significant because it delivers on a range of State and Regional economic and Policy objectives. The Project:

- Offers a rare opportunity to improve the operation and efficiency of the NSW freight rail system through private sector investment;
- Capitalises on a very limited, if not unique opportunity, to access the MNR at a point close to the NCR;
- Aims to win back jobs and business for NSW being lost to Victoria and Queensland;
- Has the potential to improve the environmental performance of the freight network through improved efficiencies and timely maintenance of rolling stock;
- Has the potential to diversify the range of services available to the rail sector thereby expanding jobs and investment in NSW;
- Would generate employment in the Hunter region which is particularly targeted to the skill sets available within the region;
- Would provide a long-term employment pool in the context of declining employment opportunities within the region;
- Has the potential to improve the operation of the Metropolitan passenger network by helping reduce conflicts with freight rail movements into that network;
- Has the potential to help reduce the costs associated with downtime and curfews for freight train entering the Sydney metropolitan area;
- Offers opportunities outside the existing duopoly for train provisioning and servicing, therefore enhancing the opportunities in, competitiveness and efficiency of the marketplace;
- Through its joint user facilities and open access platform, would provide existing and new entrants into the rail market the ability to establish their businesses with direct access to rail which might have otherwise be constrained by the scale of capital investment required;
- Would assist regional farmers/food companies to add value via processing/packaging/storage of produce to the next stage of production. For example, dairy processed products, grains into stock feed, pasta and milled products, packaging and storage of fruits/nuts/vegetables, packaging and cold storage/export of poultry and meat products;
- Would help to relieve congestion at Ports by relocating non-essential port activities to regions and connecting both with port shuttle trains services;
- Would provide the ability to stage trains into the Sydney metropolitan area and ports and assist with overall freight system management and efficiency;
- Would reduce congestion and delay issues between producers in northern and western NSW by providing an inland hub terminal for regional train services to and from

Rutherford with related connecting services by port shuttle from Rutherford to the Ports. The Port shuttle could take the inbound load to Port and return with empties to Rutherford to repeat cycle;

- Could provide a location for crew change over depot which could be open to all operators;
- Would support a Port of Newcastle Intermodal Terminal (IMT) by being the near port empty container park – in peak times and when access is restricted to Mayfield, trains could stable at the Project site and connect to dedicated short haul port shuttles when traffic is less congested. This would result in a shorter haul distance and therefore less impact on long haul regional port shuttle train movements;
- Allows for longer trains to access from regional locations to Rutherford. Trains up to 1650 metres can be accommodated;
- Is consistent with and contributes to the delivery of the NSW government's Freight and Port Strategy (2013);
- Would provide a rail maintenance facility in the Rutherford Industrial area, allowing regional operators (particularly grain and general freight operators) the ability to service rolling stock at an efficient and Open Access facility;
- Would support the operation of longer and heavier grain and general freight trains within the Hunter Valley, capitalising on the available capacity within the rail network and reducing heavy vehicle movements on road;
- Would include an open access maintenance facility, directly benefiting new and existing rail operators. This would be through lower maintenance costs and the ability to have maintenance undertaken en-route to and from the Port of Newcastle, rather than needing to isolate rolling stock and have maintenance carried out in a constrained Port area or other facilities further afield; and
- Would provide an ideal staging and consolidation area for regional freight services, which have the ability to link with Port shuttle services; and
- Would provide benefits to all Hunter Valley rail operators, during possessions / shutdowns, train and locomotive turn-arounds and ultimately increasing network throughput efficiency after closedowns.

The rail and freight components of this Project, along with its capital value, scale and strategic impacts, warrant the Project being deemed State Significant. Further, it is the rail and freight components of the Project that drive the viability and commercial rationale of the Business Park. While the Project has three separate elements, its ability to function as an integrated development is what will underpin its commercial success. In turn this means that there is a strong construction, operational, environmental and economic nexus between all elements of the Project: it is the synergies within the development that makes the total Project feasible.

For many businesses the appeal of Rutherford Park will be the potential for relationships between businesses. This is the unique selling proposition upon which Rutherford Park is being marketed. As previously discussed, the rail component of the Park will attract businesses that require and benefit from direct access to the rail line. In addition, business which do not require direct rail access, but do require access to businesses on the rail line, will benefit from being located in the business area of Rutherford Park. These businesses may provide componentry, service or maintenance to rail based businesses and activities. The design and operation of Rutherford Park as a whole in this context is very important.

This operational nexus demands a construction nexus. Site engineering, service and road planning, design and delivery must take into account the integrated site not simply

individual components. Access for services and roads to the Rail Park will be via the business park area and all access will come from new major intersections with the New England Highway. Protection and management of the ecology of Stony Creek, cut and fill strategies, headworks planning and the mitigation of any negative externalities, must all be considered, planned and managed in an integrated and coordinated manner. The logistical, market and commercial viability of the entire Project means there cannot be a disconnect in approvals in terms of either conditions or timing.

6.0 Critical Difference

The Project offers five critical points of difference from other rail focused industrial developments in NSW:

- The Project rationale is based on it achieving critical mass of activities and functions so that it is not reliant on one section of the market or one activity. Its long term financial and market sustainably is grounded on the diversity provided at the Project site, while also providing a synergistic environment, which will help deliver vertical and horizontal integration in business and efficiencies not available at other locations. It is not just a train support facility, or just an intermodal hub, or a business park, but a venue for a wide range of rail, road, industrial and freight functions and businesses that require land, rail and road access, in a location near appropriate business and markets;
- The Project is designed as an open access facility and is supported by common user infrastructure. It seeks to provide the services and facilities to a wide range of private and smaller scale rail operators that currently are not serviced in the local market. These rail operators are currently having to seek services outside of NSW or have services provided at locations that negatively impact on business and network operations. The project will help diminish the duopoly situation which currently exists in NSW, whereby the two biggest and dominant coal freight providers have developed their own closed private facilities which do not accept third party access for the wider train support market;
- The business model for the Project is unlike others in NSW in that the proponent will own and fund the development and will manage the open access common user assets as the accredited rail manager. The operator will provide the maintenance services for the common user assets and liaise with the private siding owners for entry and exit of trains from and to the common user infrastructure;
- The Project is unique in that it has direct rail access to the MNR as well as access to trains from the NCR. It is located within close proximity to the Port of Newcastle, and has manageable access to the ports and metropolitan area of Sydney. Moreover the Project site is large, flat, non-flood effected land , appropriately zoned and in single ownership; and
- The Project is consistent with State and National plans and strategies. See section 6

7.0 Government Policy Alignment

The Maitland Urban Settlement Strategy (2010) (the MUSS) was prepared by Maitland City Council (MCC) for future economic, community and ecological growth in the region. The Strategy recognises Maitland Local Government Area (LGA) as a key urban growth corridor in the Hunter and nominates the Rutherford area as a key employment area due to its proximity to existing industrial development, transport corridors, coal fields and the availability of Greenfield sites.

In June 2011, the Project site was re-zoned 'B5 Business Development' and 'E3 Environmental Management' under the Maitland Local Environment Plan 2011. To assist in the rezoning application, specialist environmental studies were completed for the Project and surrounding area. At a high level there are no zoning impediments to the land being developed for employment uses.

The Project is entirely consistent with State and National economic, freight and ports polices. The Project has the capacity to grow and win new business, investment and jobs for NSW as well as contribute to efficiency of the existing road, rail and port transport network in NSW.

The Project has the potential to reduce the volume of freight being hauled by truck. It will relieve congestion at the Port of Newcastle and Botany with the option for short haul / shuttle trains to Newcastle and Sydney Terminals. It will free up port side land for higher value use. It will provide improved access to the metropolitan basin via staging opportunities. It will grow jobs and add value to products in regional communities. It will reduce congestion and pollution associated with current freight movements.

The Project has the potential to increase network efficiency by relieving congestion at bottlenecks on road and rail networks; grow freight network capacity to meet future freight requirements; and manage the community and environmental impacts of freight to promote sustainability.

The NSW Government recently developed the Draft *Hunter Regional Action Plan* (2015) and the Draft *Plan for Growing Hunter City* (2015). The Project helps the NSW Government meet the objectives of the draft Plans:

1. Grow Australia's next major city: The Project builds on the Region's existing business strengths and provides new infrastructure for new economic opportunities.
2. Grow the largest regional economy in Australia: The Project will not only support and improve the existing major economic activities of the Hunter Region, but also provide infrastructure for new economic growth and business diversity.
3. Protect and connect natural environments: The Project includes protection of the riparian environment of Stony Creek, maintaining a link to natural environments to the east and west.
4. Support robust regional communities: the Project will provide employment opportunities for the growing Hunter Region, and thereby support the local community.

The Project site is located within the Hunter City Urban Area in the draft *Hunter Regional Action Plan*, and is nominated as a commercial area adjoining the Rutherford Industrial Area within the draft *Plan for Growing Hunter City*. As such the Project is consistent with the nominated land uses within these Draft Plans.
Direction 6.1 of the Draft *Plan for Growing Hunter City* is "*Address Hunter's national pinch*

point to strengthen habitat connectivity and transport efficiency". The draft Plan acknowledges that a number of national transport corridors converge within close proximity of the Project site, and that this transport network supports the economic activity of the region. Activities need to be undertaken to maintain and improve the efficiency of the transport network, while also conserving and strengthening biodiversity habitat corridors.

The Project will allow for improvements to the efficiency of the rail operations, without compromising biodiversity protection.

8.0 Key Stakeholder Support and Consultation

The Project has the support of key stakeholder groups and is generally viewed as a facilitator of growth rather than a market competitor. Development of the Project is highly achievable with the site being held in a single ownership, by a domestic owner with a positive and active view to realise the site's potential.

The Hunter office of the Department of Premier and Cabinet convened a meeting on 16th June, 2016 which included representatives of Premiers[1], Planning[2] and Industry[3] along with the Parliamentary Secretary for the Hunter, Scott MacDonald. At that stage the invited representative of Transport was not able to attend. A subsequent meeting was held on 5th August 2016 to bring Transport more fully into the process. Those Government representatives have been briefed, had the opportunity to raise any issues and seek further clarification. Those representatives have provided in principle support for the Project and have indicated that there are no "game stopper" issues apparent at this stage. Those Government representatives have agreed to work with the Project team in an appropriate way to facilitate the assessment and determination process. We have engaged separately on specific matters relative to their areas of responsibility subsequent to that initial meeting.

A number of meetings have been held at the ARTC Broadmeadow office with Third Party Works, Business Development and Operations department's representatives. ARTC has been consulted from the inception of the Project and provided comments / feedback on the subsequent phases of the rail mainline connections, arrival road length and park layout configurations.

Traffic modelling to determine impact on both Up Relief, Up and Down Main is being undertaken to understand exactly how paths would be affected. Modelling is also being undertaken to consider potential run past sites to "run around" to avoid crossover or potentially maintenance undertaken on loaded wagons. Additionally, depending on findings of this modelling, ARTC have advised there would likely be an upper limit of daily movements placed on an agreement with ARTC.

Based on this analysis / assessment and previously provided information ARTC have advised that they will issue an Agreement in Principle (AIP) as part of the Application for new connection.

Officers from Transport for NSW have also been fully briefed on the Project[4]. Robust and in-depth discussion and questions revealed no issues at this point in time. The Project's consistency with the key objectives and parameters of the *NSW Freight and Ports Strategy* and the *State Environmental Planning Policy (Three Ports)* was confirmed, particularly in relation to container trade. The Project is not based on, nor does it rely on, any one particular business including container trade or intermodal functions. Officers agreed to ongoing dialogue and confirmed that the SEARS process would be the appropriate place for Transport for NSW to confirm its specific requirements.

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[1] Bill Tatnell, Senior Regional Coordinator, Hunter, Dept. Premier and Cabinet.
[2] Monica Gibson, Director Regions, Hunter, Department of Planning and Environment.
[3] Tony Sansom, Regional Director NSW Department of Industry.
[4] Kirk Bendall, Manager Freight, Port and Strategies, Freight Strategy and Planning; AndisGalvins, Program Manager Network Improvement, Freight and Regional Development.

A communications firm has been engaged to develop a consultation plan for the Project which will focus on key stakeholder as well as the local and regional community.

9.0 Assessment of Proposal for Consistency with the NSW Freight and Ports Strategy

Action	*Impact Positive (P) Negative (N) High (H) Medium (M) Low (L)*		*Comment*
Strategic Action Program 1: Network Efficiency			
1 A	Identify freight movements and network demand	P/L	Process in development, Stage One: industry review for rail rolling stock maintenance and operations, Agribusiness and export markets, economic study of Hunter Valley region, Intermodal import and export industry. Stage Two: Detailed demand study- Rail / Road / Agribusiness / Intermodal demand and supporting stakeholders and logistics. Stage Three: Rail / road and ports operations and cost models on identified volumes and logistics.
1 B	Shift more freight movements to off-peak periods	P/H	Port Shuttles could operate from Rutherford Park out of Peak Periods into either Port Botany or Newcastle Port relieving both rail traffic through the Lower Hunter (supporting Peak Passenger Services) and taking truck movements off roads in Peak times.
1 C	Develop a seamless interstate freight network	P/M	Rutherford Park is located on the MNR and just west of the NCR, both of which are controlled by ARTC. The location provides direct access to the Hunter Valley and Interstate Rail networks. A number of operational services provided at Rutherford Park can assist efficient freight movement of road and rail services i.e. Stabling, provisioning, maintaining, crew change outs, adding freight to existing services, providing feeder services.
1 D	Improve productivity of the road freight network	P/M	Higher productivity road vehicles could operate from regional areas into Rutherford Park with export bound freight, then being transferred to a Port Botany or Newcastle Port Shuttle services. This relieves congestion on inner city roads and maximises the use of regional roads feeding to the outskirts of the Newcastle/Lower Hunter Region.
1 E	Improve productivity of the rail freight network	P/H	The Rutherford development would see an increase in rail freight as new business is attracted to the site. More efficient use of rail network takes trucks off roads and onto rail. Smart use of both transport modes to integrate freight into a seamless logistics chain provides additional options for freight owners within a complex and congested road and rail network.

Action	*Impact Positive (P) Negative (N) High (H) Medium (M) Low (L)*		*Comment*
1 F	Maintain productivity of the air freight network	P/L	The design of the Rutherford Park site has provided a number of siding for transport operators and agribusiness services, which is based on bringing to the site primary industry produce and adding value by processing and packaging. This can then been distributed by rail, road or air subject to the type of product and packaging. i.e. diary processing into cheese, yogurt or milk products for the export market. Fresh milk – baby formula, powdered milk, Long Life milk etc. could be transferred to air freight services direct to customers.
1 G	Facilitate the use of coastal shipping	P/L	Containerized freight movement east west and north south of packaged meat, dairy, seed, gain and pulses products on costal shipping services. Recently this activity has increased significantly on the Sydney / Melbourne Perth coastal shipping services.
1 H	Improve efficiency of landside cargo transport in regional and urban areas	P/M	Rutherford Park allows opportunity to develop an Inland Container terminal, which complements existing and future developments at both Port Botany and Newcastle. The development of near port empty container parks that can add services that free up the port side operations (like Cook River does for Botany) located in the Lower Hunter can provide for supply of containers to the regional IMT on a quicker turn around train cycle time frame. This coupled with additional rail rollingstock and train storage capacity (Drop & Swap services), can be used to link incoming service to preloaded rakes of wagons, effectively allowing locomotive to drop the incoming rake and pick up an outgoing rake for the return service to regional IMT's. The rake which has been dropped would not be unloaded but swapped on to the port bound shuttle locomotive for the remainder of the service to the port. This allows flexibility and improved management for train going to port and the return services to the regions. There are also benefits for the rail operator with management of their driver fatigue index and crewing rosters.
Strategic Action Program 2 Network Capacity			
2 A	Identify and protect strategic freight corridors	P/M	Rutherford's Park location allow access to both the interstate, regional and metropolitan rail and road networks, by providing option for transport to gain further efficiencies in operations, this compliments capacity on those networks. The key corridors for Rutherford are Dubbo to Rutherford – Narrabri & NW NSW to Rutherford – Tamworth to Rutherford – Rutherford to Port of Newcastle and Port Botany.

Action	*Impact Positive (P) Negative (N) High (H) Medium (M) Low (L)*		*Comment*
2 B	Development and maintain capacity for freight on the road network	P/M	Provides land for the location of the road trucking and services businesses with connections to rail facilities for any consolidation activities. Container exchange at IMT container park. Cross docking at warehouse and distribution centres to allow for large scale DC's.
2 C	Develop and maintain capacity for freight on the rail network	P/H	Rutherford Park Maintenance Facility meets the requirement for ensuring that there is sufficient rail infrastructure capacity to meet servicing requirements for coal and general freight. The facility also provides a more efficient connection to the ARTC network for all operators to arrive and depart locomotives and wagons needing scheduled and emergency repair and maintenance.
2 D	Develop effective port growth plans to meet freight volume growth	P/M	Developing a growth plan for the Port of Newcastle is a specific task in the TfNSW Strategy. Port Shuttles from Rutherford to either Port Botany or Newcastle Port align with a longer term growth plan for both Ports, which are set to manage increased container movements over future years.
2 E	Foster intermodal terminal network development	P/H	Rutherford Park provides an ideal Intermodal opportunity and combined with Port Shuttles could assist in meeting regional demand and efficient operations.
2 F	Coordinate regional infrastructure and service provision	P/L	Agribusiness and distribution centre are planned for and can provide two way freight movements for both rail and road. I.e. road and rail can bring in bulk produce for processing or containerization and return with domestic freight or imported products like fertilisers to the regions providing two way loaded operations.
2 G	Development and maintain projects to support network capacity	P/H	Development of open access rolling stock maintenance facilities at Rutherford Park ensures support services are available at a competitive cost to all rail operators. Open access rail infrastructure can allow operators the opportunity to access freight owner's volumes based at the site, while also providing an area for parking and storage of trains, plant and equipment.
Strategic Action Program 3 Network sustainability			
3 A	Embed freight requirements in planning schemes	P/L	The Project will ensure the holistic planning of an industrial park that caters for rail and road freight, maintenance and general business in an integrated and managed manner. The site provides the ability for both service businesses to the transport industry and customers of the industry to be located at the same site.

Action	*Impact Positive (P) Negative (N) High (H) Medium (M) Low (L)*		*Comment*
3 B	Manage congestion, noise and emission impacts of freight transport	P/M	Rutherford addresses all three of the sub objectives under 3B by providing an alternative maintenance facility that is removed from built up inner city areas. Rutherford Park would reduce rollingstock movements around the inner areas of Mayfield, Carrington and Broadmeadow.
3 C	Prioritise safety of freight transport	P/M	The rail terminal will be operated under the National Rail Safety regime with an integrated safety management system which provides for Safety, Health, Rail/Road operations, environments and quality systems. The system will be documented and audited for compliance, which will be compliment with a detailed human resources management system.
3 D	Support the growth of the transport and logistics workforce	P/H	The Maitland/Rutherford area is one of the fastest growing regional areas in NSW. It is already well serviced by industries that service the industrial and mining industries and are ideally placed to support the growth of the transport and logistics workforce.

10.0Figures

Figure 1: Location of the site, Rutherford Park

Figure 2: Network location

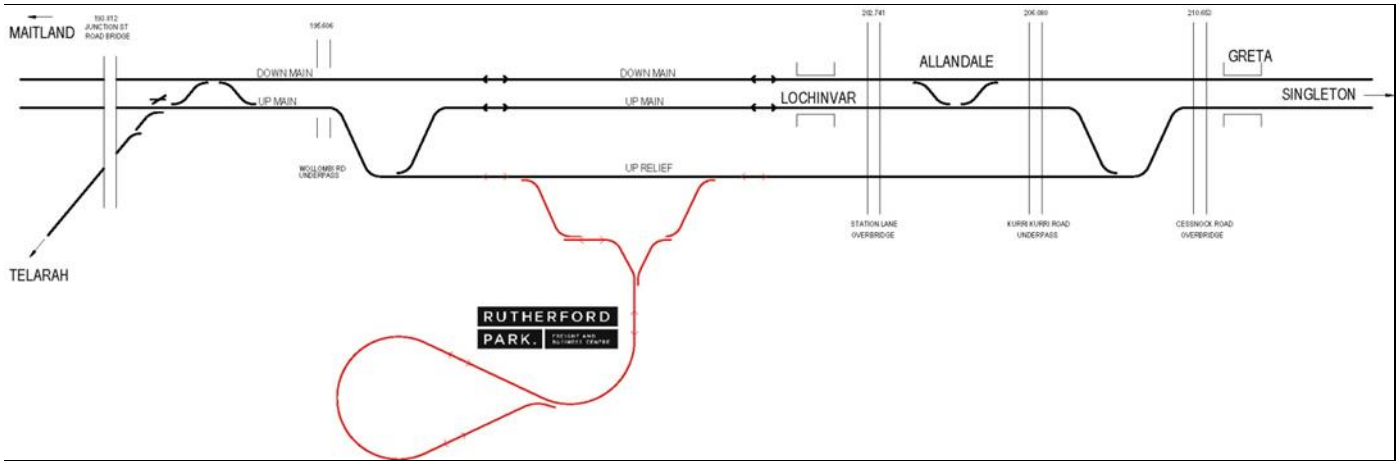

Figure 3: Graphic representation of the site's location in the network

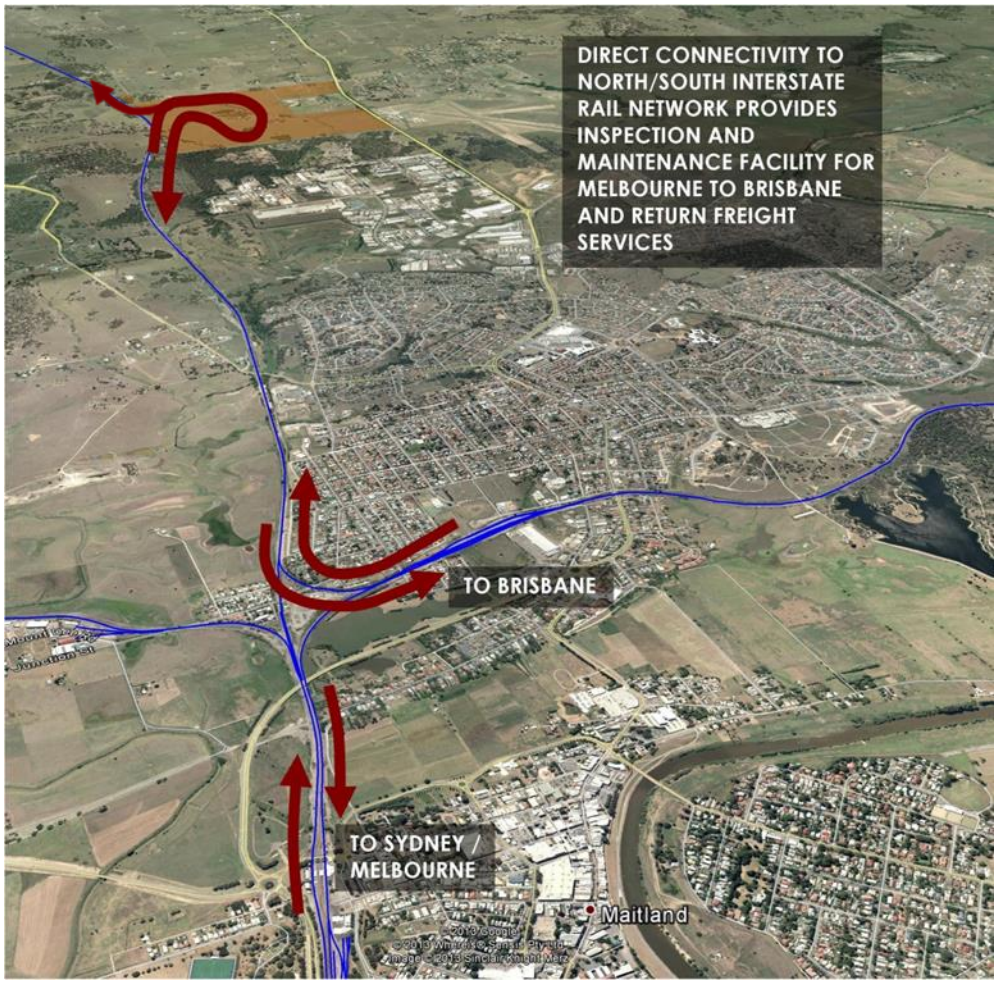

Figure 4: Location showing north south accesses