

# Concept Plan Approval

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

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- a) pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*, to grant concept plan approval for the proposal referred to in Schedule 1, subject to the modifications in Schedule 2; and
- b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for the proposal, referred to in Schedule 1, under Part 3A of the *Environmental Planning and Assessment Act 1979*.

Frank Sartor MP  
Minister for Planning

Sydney

2008

File No: 9040496

### SCHEDULE 1

<b>Application No:</b>	06_0157
<b>Proponent:</b>	Transport Infrastructure Development Corporation
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Land required for the construction and operation of the proposal, generally between Epping and Rouse Hill.
<b>Proposal:</b>	<p>The western portion of the North West Metro, being the construction and operation of a new electrified passenger rail line between Epping and Rouse Hill, including:</p> <ul style="list-style-type: none"><li>• six new stations at Cherrybrook, Castle Hill, Hills Centre Norwest, Kellyville and Rouse Hill;</li><li>• stabling facilities; and</li><li>• associated ancillary infrastructure.</li></ul>
<b>Part 3A Project:</b>	<p>On 7 April 2006, the Minister for Planning formed the opinion that the proposal is of State and regional environmental planning significance and declared that Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> applies to the proposal.</p>
<b>Concept Plan Authorisation:</b>	<p>On 12 July 2006, the Minister for Planning authorised the submission of a concept plan for the proposal.</p>

## **KEY TO CONDITIONS**

<b>1. ADMINISTRATIVE CONDITIONS</b>	<b>4</b>
Terms of Concept Approval	4
Limits of Approval	4
Provision of Information	4
<b>2. PROJECT DESIGN CRITERIA AND PERFORMANCE STANDARDS</b>	<b>4</b>
Project Design	4
Performance Standards	5
<b>3. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS</b>	<b>5</b>
Property and Landuse	6
Traffic and Transport	6
Noise and Vibration	6
Geotechnical	6
Surface Water and Hydrology	7
Flora and Fauna	7
Indigenous Heritage	7
European Heritage	8
Visual and Urban Design	8

---

## SCHEDULE 2

### DEFINITIONS

<b>Ancillary Infrastructure</b>	Permanent or temporary infrastructure required for the construction and operation of the proposal, including tunnel support facilities such as emergency ventilation and egress facilities and temporary construction sites.
<b>Concept Plan</b>	The proposal described in Schedule 1.
<b>Conditions of Approval</b>	The conditions of approval detailed in this, the Minister of Planning's concept plan approval for the proposal.
<b>Construction</b>	All pre-operation activities associated with any project related to the concept plan approval <b>other than</b> survey, acquisitions, fencing, investigative drilling or excavation, building/ road dilapidation surveys or other activities determined by the Proponent to have minimal environmental impact including (but not limited to) minor clearing (except where threatened species, populations or ecological communities would be affected), establishing temporary construction sites (in accordance with the requirements of any project approvals related to this concept plan approval), establishing minor access roads and minor adjustments to services/ utilities.
<b>DECC</b>	NSW Department of Environment and Climate Change.
<b>Department, the</b>	NSW Department of Planning.
<b>Director-General, the</b>	Director-General of the NSW Department of Planning (or delegate).
<b>DWE</b>	NSW Department of Water and Energy.
<b>DPI</b>	NSW Department of Primary Industries.
<b>ECRL</b>	Epping to Chatswood Rail Link formerly known as the Parramatta Rail Link, comprising a new underground passenger rail line from Epping to Chatswood.
<b>GCC</b>	NSW Growth Centres Commission.
<b>MoT</b>	NSW Ministry of Transport.
<b>Operation</b>	When trains commence operating on any project related to this concept plan approval but excluding commissioning activities.
<b>Project, the</b>	Any project(s) related to this concept plan approval.
<b>Proponent</b>	Transport Infrastructure Development Corporation.
<b>Reasonable and Feasible</b>	Consideration of best practise taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. <b>Feasible</b> relates to engineering considerations and what is practical to build. <b>Reasonable</b> relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
<b>Relevant Council(s)</b>	Hornsby Shire Council, Baulkham Hills Shire Council, Blacktown City Council.
<b>Relevant Government Agencies</b>	Any Commonwealth or State agency that has a statutory or other interest in the Project.
<b>Relevant Stakeholders</b>	A party that would be directly affected by the project or would otherwise have a reasonable interest in the project (excluding relevant Government agencies and relevant Councils) such as affected landowners, utility and service providers, businesses, bus companies and community members.
<b>RTA</b>	NSW Roads and Traffic Authority.

## 1. ADMINISTRATIVE CONDITIONS

### Terms of Concept Approval

- 1.1 The Proponent shall carry out the concept plan and all related projects generally in accordance with the:
  - a) Major Project Application 06\_0157;
  - b) *North West Rail Link Environmental Assessment and Concept Plan*, dated November 2006, and prepared by GHD Pty Ltd;
  - c) *North West Rail Link Preferred Project Report*, dated May 2007, and prepared by GHD Pty Ltd;
  - d) *North West Rail Link Supplementary Submissions Report*, dated March 2008, and prepared by the Transport Infrastructure Development Corporation; and
  - e) the conditions of approval.
- 1.2 In the event of an inconsistency between:
  - a) any documents listed in condition 1.1a) to 1.1d) inclusive, the most recent document shall prevail to the extent of the inconsistency; and
  - b) the conditions of approval and any document listed in condition 1.1a) to 1.1d) inclusive, the conditions of approval shall prevail to the extent of the inconsistency.

### Limits of Approval

- 1.3 To avoid any doubt, this concept plan approval does not permit the construction of any part of the proposal described in Schedule 1, unless and until a project approval is granted with respect to those works.

### Provision of Information

- 1.4 Within 6 weeks of the date of this concept plan approval the Proponent shall place an electronic copy of the documents referred to under condition 1.1 a) to e) of this approval (or details of where hard copies of this information may be accessed by members of the public) on a new website established for the proposal, or dedicated pages within its existing website.

## 2. PROJECT DESIGN CRITERIA AND PERFORMANCE STANDARDS

### Project Design

- 2.1 The Proponent shall in consultation with relevant Government agencies, relevant Councils and relevant stakeholders, ensure that underground components of the project are designed with regard to existing and/ or planned future underground utilities and infrastructure including the planned extension of the M2 Motorway.
- 2.2 The Proponent shall in consultation with relevant Councils and relevant Government agencies including (but not necessarily limited to) the GCC, MoT, the Department, Landcom, ensure that surface components of the project are integrated with surrounding landuse (existing and planned future, as relevant) as far as reasonable and feasible, consistent with the objectives of *Integrated Land Use and Transport* (DUAP 2001 or as updated), to minimise the potential for landuse conflicts. In particular:
  - a) design of Castle Hill station shall consider the *Castle Hill Draft Master Plan* (or as updated); and
  - b) Kellyville and Rouse Hill Stations and stabling facilities are to be integrated with the precinct planning for the Burns Road Release Area, Rouse Hill Regional Centre and the Area 20 precinct of the North West Growth Centre, as relevant.
- 2.3 The Proponent shall in consultation with relevant Government agencies, relevant Councils and relevant stakeholders ensure that ancillary infrastructure are located and designed to minimise biophysical and/ or amenity impacts, as far as reasonable and feasible.

- 2.4 The Proponent shall ensure that station precincts across the project provide a high degree of accessibility to all modes-of-access, consistent with the objectives of *Integrated Land Use and Transport* (DUAP 2001 or as updated).
- 2.5 The Proponent shall ensure that the surface components of the project affecting roads are designed to minimise traffic disruptions as far as reasonable and feasible, in consultation with the RTA and/ or relevant Councils.

### **Performance Standards**

- 2.6 In relation to operational noise and vibration, the Proponent shall ensure that:
- a) the project rail corridor is designed consistent with the *Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects* (DECC, 2007);
  - b) the project stabling facilities are designed consistent with the *Industrial Noise Policy* (EPA, 2000); and
  - c) the project is designed to consistent with *Assessing Vibration: A Technical Guideline* (DECC, 2006).
- 2.7 The Proponent shall ensure that any floodplain topography and/ or waterway affected by cut-and-cover construction methodology is re-instated and/ or rehabilitated consistent with pre-construction conditions.
- 2.8 The Proponent shall ensure that the biodiversity impacts associated with the project are offset consistent with the 'improve and maintain' principles of the *Growth Centres Commission Biodiversity Certification* process, in consultation with the DECC.

### **3. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS**

- 3.1 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to any projects related to this concept plan approval:
- a) a detailed project description including:
    - i) confirmation of the alignment, station locations (including feasibility of any additional stations) and stabling arrangements; and
    - ii) the design and location of ancillary infrastructure;
  - b) a detailed project-specific statement of commitments, with regard to the statement of commitments prepared for the concept plan, clearly identifying any new or amended commitments relating to the project;
  - c) an updated assessment of statutory matters, where the project affects land that has not already been identified in the documents referred to in conditions 1.1 (a) to (d);
  - d) an assessment of Matters of National Environmental Significance, as relevant;
  - e) an appropriate and justified level of consultation with relevant Councils and relevant Government agencies including (but not limited to) RailCorp, MoT, GCC, Landcom, DECC, DPI (Fisheries), DWE, RTA, including a description of how agency and Council input has been considered in decisions on design and/ or mitigation;
  - f) an appropriate and justified level of consultation with relevant stakeholders including a description of how stakeholder input has been considered in decisions on design and/ or mitigation;
  - g) assessment of the key issues identified in conditions 3.2 to 3.16 of this approval, including of relevant ancillary infrastructure; and
  - h) assessment at an appropriate level of detail of the impacts and mitigation measures associated with any additional key issues of relevance to the project, identified during further design development, that are not specifically identified in this concept plan approval.

## **Property and Landuse**

- 3.2 The Proponent shall confirm the footprint of the project with respect to alignment, station precincts and ancillary infrastructure as far as reasonable and feasible, and describe the landuse impacts on existing and planned future use associated with any additional land take.

## **Traffic and Transport**

- 3.3 The Proponent shall review mode-of-access demand and peak traffic predictions at Epping Station taking into account the impact of ECRL operations on patronage distribution; and identify any required changes to mode-of-access arrangements at Epping.
- 3.4 The Proponent shall confirm mode-of-access arrangements at each new station, with consideration to (but not necessarily limited to) the following matters:
- a) at Cherrybrook Station – details of park and ride provisions, road access arrangements (including the feasibility of a signalised intersection between Castle Hill, Glenhope and Franklin Roads); and pedestrian and cycle linkages to the surrounding pedestrian catchments of Cherrybrook and West Pennant Hills;
  - b) at Castle Hill Station – investigation of options for shared use parking; bus access arrangements; and pedestrian and cycle linkages between the station and residential areas surrounding the Castle Hill town centre, retail areas within the town centre and the Castle Towers shopping centre;
  - c) at Hills Centre Station - details of park and ride provisions; road access arrangements; and pedestrian linkages to the Castle Hill industrial estate;
  - d) at Norwest Station - investigation of options for shared use parking; access for buses, kiss and ride and taxis; and pedestrian and bus linkages to the Norwest Business Park and surrounding residential catchments;
  - e) at Kellyville Station – details of park and ride provisions; bus interchange arrangements which are integrated to the Parramatta to Rouse Hill Transitway; and road, pedestrian and cycle access that are integrated with the planned provisions for the Balmoral Road Release Area; and
  - f) at Rouse Hill Station - bus interchange arrangements which are integrated to the Parramatta to Rouse Hill Transit way; and road, pedestrian and cycle access that are integrated with the planned provisions for the Rouse Hill Regional Centre.
- 3.5 The Proponent shall confirm the construction traffic impacts associated with the project, identifying:
- a) haulage routes;
  - b) peak congestion and intersection performance impacts at local and arterial roads considering cumulative impacts from surrounding development and from concurrent construction sites;
  - c) reasonable and feasible construction options at road crossings to avoid and/ or minimise traffic disruptions; and
  - d) requirements for road and/ or lane closure and alternative travel arrangements.

## **Noise and Vibration**

- 3.6 The Proponent shall review the noise and vibration impacts of the project during construction (including construction traffic) and operation, considering all reasonable and feasible mitigation options at existing and planned future receivers.

## **Geotechnical**

- 3.7 The Proponent shall identify risks to groundwater quality and/ or risks to surface water quality from contaminated groundwater during construction and operation, including measures to avoid, manage, mitigate and monitor impacts.
- 3.8 The Proponent shall identify the following matters in relation to the bored tunnel components of the project:
- a) existing groundwater conditions (level and quality), taking into consideration seasonal variability;

- b) local and regional drawdown impacts, including any groundwater users impacted by the project and measures to offset impacts;
- c) options for the sustainable use and/or disposal of tunnel inflow;
- d) measures to minimise the risk of bed cracking and loss of surface flow when tunnelling below creek lines and contingency measures for restoring affected waterways consistent with pre-construction conditions, including monitoring procedures and performance criteria;
- e) impacts to groundwater dependent ecological communities (affected by groundwater drawdown) and to riparian and instream ecology (affected by surface cracking and water flow impacts); and
- f) surface locations (and associated infrastructure) above the tunnel alignment that are likely to be at risk to land subsidence or settlement impacts, including relevant settlement design criteria and measures to minimise, monitor and offset impacts.

### **Surface Water and Hydrology**

- 3.9 For surface components of the project located on floodplains, the Proponent shall identify flood design criteria in accordance with the *Floodplain Development Manual* (2005), describing risks to existing and planned future receivers and infrastructure based on the modelling of a full range of flood sizes up to and including the probable maximum flood.
- 3.10 For temporary construction sites located on floodplains, the Proponent shall identify reasonable and feasible mitigation measures for mitigating flood risk, including procedures for restoring and monitoring any temporary creek diversions consistent with pre-construction conditions.
- 3.11 For cut and cover tunnel components which cross creek lines, the Proponent shall describe the proposed construction methodology, identifying measures to minimise the risk of bed cracking and loss of surface flow and contingency measures for restoring and monitoring waterways, consistent with pre-construction conditions.
- 3.12 The Proponent shall identify impacts to riparian and instream ecology from any direct disturbances to waterways and to flora and fauna from changes to creek flow or flood behaviour, during construction or operation.

### **Flora and Fauna**

- 3.13 The Proponent shall confirm the ecological impacts associated with the project with consideration to conditions 3.8 e) and 3.12, and identify measures to offset impacts, clearly distinguishing between measures to be provided as part of the *Growth Centres Commission Biodiversity Certification* process and other measures.

The Proponent shall describe how the effectiveness of the offset measures would be monitored, what actions shall be taken if measures are identified to be ineffective, the maintenance responsibilities, and timing of implementation of offset measures.

### **Indigenous Heritage**

- 3.14 The Proponent shall review the indigenous heritage impacts of the project considering cumulative impacts from surrounding development, consistent with:
- a) Steps 1 to 4 of the *Protocol for Aboriginal Stakeholder Involvement in the assessment of Aboriginal cultural heritage in the Sydney Growth Centres* (Context Pty Ltd, 2006a) and the *Precinct Assessment Method for Aboriginal Cultural Heritage in the Sydney Growth Centres* (Context Pty Ltd, 2006a), for land within the North West Growth Centre; and
  - b) *Guideline for Aboriginal Cultural Heritage Impacts Assessment and Community Consultation* (DECC July 2005), for all other areas.

The Proponent shall identify mitigation priorities with consideration to the regional significance of impacts.

**European Heritage**

3.15 The Proponent shall review the European Heritage impacts of the project, describing measures to minimise and/ or appropriately manage impacts.

**Visual and Urban Design**

3.16 The Proponent shall review the visual and urban design impacts and mitigation requirements for the project in accordance with Statement of Commitment 40 to 44; identifying the timing of implementation of urban design and landscaping measures, how the effectiveness of landscaping measures would be monitored, and maintenance responsibilities for relevant urban design and landscape measures.

---