

DEPARTMENT OF PLANNING & INFRASTRUCTURE
Development Assessment

SUBJECT: PARKES INTERMODAL HUB – EXTENSION TO APPROVAL LAPSING DATE

PURPOSE

- To determine a modification request by Asciano Ltd (the Proponent) for the Parkes Intermodal Hub project (MP 05_0072 MOD 1) under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act).

BACKGROUND

- On 1 March 2007, the then Minister for Planning granted Concept Approval to Terminals Australia Pty Ltd (part of the Asciano group) for the construction and use of an intermodal freight terminal and associated infrastructure under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act).
- The proposed terminal, known as the Parkes Intermodal Hub (PIH), would be used to store and transfer freight between trucks and trains running on key national road and rail arteries.
- The site for the terminal is on 365 hectares of land to the west of Parkes, as shown in **Figure 1**. It lies at the confluence of the Main Western and Parkes-Narromine railway lines and links with the proposed Inland Rail connecting Melbourne and Brisbane via Parkes.

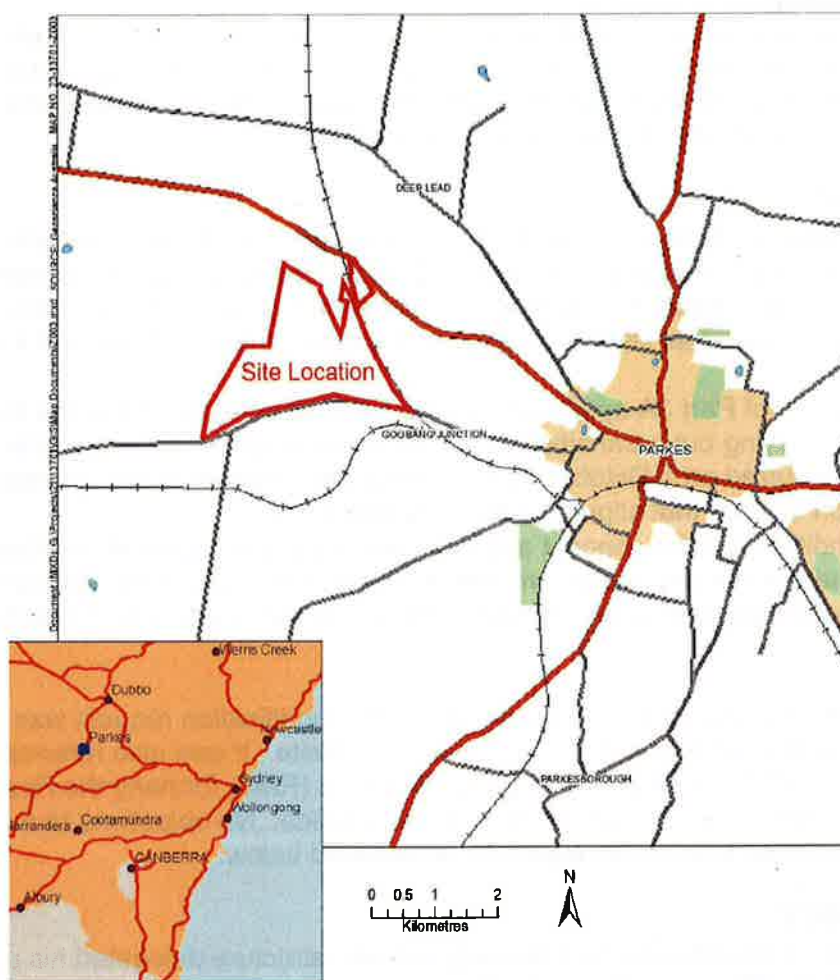


Figure 1: Location of the Parkes Intermodal Hub

- The PIH has an estimated capital investment value of \$135 million, and is intended to be developed in stages. The initial stage (Years 1-5) would be capable of handling up to 240,000 Twenty Foot Equivalent Units (TEU) of freight, and the final stage up to 530,000 TEU. The project offers significant economic and social benefits as it would significantly strengthen the strategic freight capability of NSW and employ up to 600 people during its construction and operation.
- The 2006 *North-South Rail Corridor Study* provided the foundation to develop the current study for the Melbourne to Brisbane Inland Railway which identified a "far western sub-corridor".
- In March 2008, the Commonwealth Government commissioned the Australian Rail Track Corporation (ARTC) to determine an optimum rail alignment for the route and to assess the financial and economic prospects of the project. The *Melbourne-Brisbane Inland Rail Alignment Study* (Stage 2), completed in July 2010, identified a corridor through Parkes with two potential alignments, both of which would service the PIH precinct. One alignment utilises the existing railway line through central Parkes; the other bypasses Parkes to the west and joins the existing rail line near the PIH precinct. The Stage 2 Study recommended that the inland rail link project be re-examined around 2015-2020.
- ARTC would be undertaking a further study (Stage 3) relating to the design and acquisition of the preferred rail alignment. However, ARTC has recently advised that it is unable to provide an indicative completion date for this study.

PROPOSED MODIFICATION

- The proponent is seeking to either delete condition 7 or extend the lapsing period for a further five years due to the uncertainties associated with the project's interaction with the Melbourne to Brisbane Inland Railway.
- Specifically, the Proponent is concerned that ARTC has not committed to a final alignment for the inland railway, the location of which will have implications for the road and rail access to the PIH. Insufficient time remains in the current approval to await further investigations on the final rail alignment and to obtain project approval to enable construction.

STATUTORY CONTEXT

- Clause 3C of Schedule 6A of the Act provides for the continued application of section 75W modifications of concept plans approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project. This provision applies to the PIH, which is a transitional Part 3A project, and enables the modification of the concept approval.
- In relation to the lapsing of Part 3A approvals, clause 11(3) of Schedule 6A of the Act provides that an approval for carrying out a transitional Part 3A project lapses five years after the repeal of Part 3A Act (which occurred on 1 October 2011), unless the approval of the concept plan is subject to a condition in force that stipulates the lapsing period.
- In this instance, condition 7 of the concept approval states that the approval shall lapse if the proposed development is not physically commenced within five years of the date of the approval. The Concept Approval was granted on 1 March 2007 and is set to lapse on 1 March 2012.

CONSULTATION

- Due to the minor nature of the proposed modification, the modification request was not publicly exhibited but was made available on the Department's website. It was also referred to the Parkes Shire Council, ARTC, Roads and Maritime Services (RMS, formerly the Roads and Traffic Authority) and the Department's Western Region Office. No objections to the proposed modification were received from these agencies, as outlined below.

DELEGATED AUTHORITY

- On 14 September 2011, the Minister for Planning and Infrastructure delegated his powers and functions under section 75W of the Act to the Director of Infrastructure Projects where the relevant Council has not made an objection, a political disclosure statement has not been made and there are less than 25 public submissions in the nature of objections received in respect of the modification request.

- As no public submissions were received, no political donations were made, and no objection was raised by the Council to the modification, the Director, Infrastructure Projects may determine the modification request under delegated authority.

CONSIDERATION

- Given that the modification request only relates to the extension of the lapsing period in condition 7 of the Concept Approval, the Department's assessment focused on the Proponent's justification, submissions received from council and agencies, and relevant environmental planning instruments and strategic documents.
- None of the agencies consulted raised any objection to the proposed modification, with Council expressing strong support for the PIH. The RMS noted that there would be no change to the expected traffic demand resulting from the modification proposal.
- The Department's Western Regional Office recommended an extension period of up to five years to provide an opportunity for the Proponent to ascertain the future of the Brisbane to Melbourne Inland Railway. It further advised that:
 - the site is currently zoned 4(a) Transport Hub under the Parkes LEP 1990 and is identified as IN1 – General Industrial zone in the draft version of the Parkes standard instrument LEP;
 - the proposed development is consistent with the long term strategic direction for the site under the Parkes Shire Land Use Strategy; and
 - the Parkes Strategy proposes to zone an extra 226 ha of land adjacent to the PIH site for inclusion in the overall Hub site.
- The Proponent indicated that in May 2010, Council approved the erection of a dwelling on a site approximately 800m from the PIH, subject to the establishment of a tree buffer along the southern and western boundaries of the property to mitigate the impacts of the proposed PIH on the dwelling.
- The Department considers that the modification request is reasonable based on the circumstances of the project, being contingent upon the finalisation of the Brisbane to Melbourne Inland rail route. It also considers that an extended lapsing period, if granted, would not change the previously assessed impacts of the project, and that the proposed modification is supported by the agencies consulted.
- Although the Proponent has requested a five years extension of the Concept Approval, it is recommended that condition 7 be deleted and the lapsing provisions for Part 3A transitional projects in Schedule 6A be relied upon. The consequential effect of the removal of condition 7 will be that the Concept Approval for the PIH will have a new lapsing date of 1 October 2016. This corresponds to a slightly less period than five years.
- In addition to the deletion of condition 7, it is also proposed to update/delete references to names of agencies (ie Department, Director-General, DNR and RTA) and to a noise guideline (as referred in condition (6(d) relating to the DEC's *Environmental Noise Control Manual*) in the concept approval.

VIEWS OF THE LOCAL MEMBER

- The project is located in the Dubbo electorate, where the local member is the Hon Troy Grant MP. The views of Mr Troy are not known.

RECOMMENDATION

It is RECOMMENDED that the Director, Infrastructure Projects:

- note the information provided in this briefing;
- approve the modification request; and
- sign the attached modifying instrument.



**A/Director
Infrastructure Projects**

Rebecca Newman
Infrastructure Projects
9228 6340

