

3 December 2018

Chief Executive Officer
City of Kalgoorlie-Boulder
PO Box 2042
BOULDER WA 6432

Attention: **Matilda Hodge** (sent by email to matilda.hodge@ckb.wa.gov.au and mailbag@ckb.wa.gov.au)

Dear Ms Hodge

**FREIGHT AND LOGISTICS COUNCIL OF WESTERN AUSTRALIA INC – SUBMISSION OF OBJECTION
CITY OF KALGOORLIE-BOULDER: LOCAL PLANNING SCHEME AMENDMENT 96
LOTS 1, 2, 300, 301, 307 AND 324 FORREST STREET, KALGOORLIE**

The Freight and Logistics Council of Western Australia Inc ('FLCWA') comprises senior decision makers from industry and Government whose charter is to provide independent policy advice to the Minister for Transport on issues impacting the provision of freight and logistics services in this State.

Since its inception, FLCWA has been strongly focussed on engaging with State and Local Government to inform strategic and statutory land use and transport planning and policy to identify, protect and defend strategic supply chain infrastructure, such as ports, intermodal terminals, road and rail corridors.

It is in this context that FLCWA would like to thank you for the opportunity to comment on, and inform, the City of Kalgoorlie-Boulder's ('the City') consideration of Amendment 96 ('Amendment 96') to Local Planning Scheme No. 1 ('LPS1'), which proposed to reclassify Lots 1, 2, 300, 307 and 324 Forrest Street, Kalgoorlie ('the subject lots') from the 'Railways' reserve to the 'Future Urban' zone.

Whilst the FLCWA acknowledges the strategic vision for the future use and development of the subject lots following the realignment of the freight rail line, at this time we object to Amendment 96 on the following grounds:

- a) The proposed amendment will enable urban encroachment by noise sensitive land uses that have the potential to jeopardise the 24/7/365 operation of a strategic freight rail corridor that is of critical importance to the Western Australian community and economy;
- b) The amendment fails to identify and address the impact of noise from the operation of the adjoining passenger and freight rail line on the subject lots, as required by State Planning Policy 5.4 (SPP 5.4);
- c) The suitability of the proposed 'Future Urban' zone has not been demonstrated or informed by a detailed acoustic assessment, as required by SPP 5.4;
- d) The suitability of noise-sensitive land uses, that may be permitted under the 'Future Urban' zone, has not been demonstrated or informed by a detailed acoustic assessment, as required by SPP 5.4;
- e) There is considerable uncertainty regarding the control, and permissibility, of land use within the 'Future Urban' zone following finalisation of the amendment and accordingly how the City or the WAPC will appropriately address noise impacts at the subdivision and/or development stages;

- f) The amendment should be informed by a detailed acoustic assessment and provide clear guidance on land use suitability and the requirement for a structure plan that outlines the permissibility of, and conditions applicable to, noise sensitive land uses to guide the assessment and determination of applications for subdivision and/or development;
- g) In the absence of a detailed acoustic assessment and/or the realignment of the freight rail line, amending the scheme to a zone that provides for noise sensitive land uses is inappropriate, premature and inconsistent with SPP 5.4; and
- h) In the FLCWA's experience, addressing noise impacts at later stages of the planning process (i.e. post rezoning) results in poor outcomes to the detriment of the protection of urban amenity and freight corridor operations, which is inconsistent with SPP 5.4.

1. AMENDMENT 96 CONTEXT

Local Planning Scheme No. 1 Amendment 96 proposes to reclassify Lots 1, 2, 300, 307 and 324 Forrest Street, Kalgoorlie from the 'Railways' reserve to the 'Future Urban' zone.

The lots immediately abut an operational rail corridor carrying both passenger and freight rail services, connecting Perth and Western Australia to the eastern states.

At present, the subject lots are used and developed for a range of industrial activities that are suitably located adjacent, and complementary, to an operational rail line and associated locomotive and wagon maintenance activities.

We understand that the subject lots, registered in the ownership of the Public Transport Authority and private landowners, have been identified as surplus to requirements for 'Railway' purposes and are identified in the City's 2013 Local Planning Strategy to be rezoned for residential and future urban purposes (Piccadilly and Kalgoorlie planning areas).

Furthermore, the Local Planning Strategy acknowledges the potential realignment of the rail corridor (where the rail line will bypass the town) and the opportunity that presents for land adjacent to the existing corridor to be disposed of for future urban purposes, if this was to occur.

Whilst LPS 1 is silent on the permissibility of land uses within the 'Future Urban' zone outlining that land use, subdivision and development are guided by a structure plan, the amendment document states that:

"... 'Future Urban' allows for a wide range of residential and commercial development opportunities..." (page 8)

and

*"The finalisation of the Scheme Amendment will enable property owners to pursue further development opportunities through structure planning (**where necessary**), subdivision and development application process..." (page 4)*

2. GROUNDS FOR OBJECTION

a) The proposed amendment will enable urban encroachment by noise sensitive land uses that have the potential to jeopardise the 24/7/365 operation of a strategic freight rail corridor that is of critical importance to the Western Australian community and economy.

The portion of freight rail line abutting the subject lots forms an essential component of the national freight rail network, connecting Western Australia to the national supply chain.

With the vast majority, and substantial volumes, of interstate freight moving in and out of Western Australia through the City of Kalgoorlie-Boulder, the importance of the existing freight rail corridor to local, regional, state and national supply-chains cannot be understated.

Arc Infrastructure reports that the section of freight rail track abutting the subject lots carried approximately 6,396 trains across 2017, which equates to:

- An average of 123 trains per week; or
- An average 0.7 trains per hour across a 24 period, or close to 1 train per hour.

Protection of the corridor from inappropriate urban encroachment is essential to secure unrestricted 24/7/365 operations that support local and national supply chain efficiency and protect the urban amenity of the community.

At an average of almost 1 train per hour, the likelihood of unacceptable levels of noise disturbance from freight rail movements during the sensitive night period (10pm to 6am) is high and will result in poor outcomes for the protection of freight rail operations and urban amenity.

b) The amendment fails to identify and address the impact of noise from the operation of the adjoining passenger and freight rail line on the subject lots, as required by State Planning Policy 5.4 (SPP 5.4).

SPP 5.4 (current and draft) outlines that the policy applies to the preparation and assessment of planning instruments (including local planning schemes) where there is proposed noise-sensitive land use within the Policy's trigger distance of a transport corridor, which is the case for the subject lots.

Furthermore, SPP 5.4 outlines that:

- An objective of the Policy is to ensure that noise impacts are addressed as early as possible in the planning process;
- The planning process should apply the precautionary principle of avoidance where there is risk of future land use conflict;
- Noise should be considered at the earliest stages of the planning process and not defer its resolution or management to subdivision or development assessment stage, where mitigation options are more limited;
- Local planning scheme amendments should be accompanied by information prepared in accordance with the SPP 5.4 Implementation Guidelines, including:
 - Noise Exposure Forecast Worksheet;
 - Noise Level Contour Map; and
 - Noise Management Plan, where deemed appropriate.

The amendment has not been prepared in accordance with the requirements of SPP 5.4, outlined above and below, and no supporting information accompanies the amendment document.

- c) The suitability of the proposed 'Future Urban' zone has not been demonstrated or informed by a detailed acoustic assessment and noise management plan, as required by SPP 5.4.**

The proposed lots are located within approximately 20 - 80m of the nearest rail centreline.

As per Table 2 of the SPP 5.4 Implementation Guidelines the freight rail LAeq (Day) noise forecast at the common boundary of the lots and the rail corridor is estimated to be 59 – 66 dB and the subject lots would fall within the following exposure categories:

- Category C (40 – 80m) – Noise sensitive land use and/or development is acceptable, subject to:
 - Mitigation measures in accordance with an approved Noise Management Plan; or
 - Quiet house C;
- Category D (20 – 40m) – noise-sensitive land use and/or development is not recommended.

- d) The suitability of noise-sensitive land uses, that may be permitted under the 'Future Urban' zone, has not been demonstrated or informed by a detailed acoustic assessment and noise management plan, as required by SPP 5.4.**

See comments under Point c above.

- e) There is considerable uncertainty regarding the control, and permissibility, of land use within the 'Future Urban' zone following finalisation of the amendment and accordingly how the City or the WAPC will appropriately address noise impacts at the subdivision and/or development stages.**

Statements within the amendment document, such as those outlined in Section 2 above relating to the requirement for a structure plan, conflict with the 'Future Urban' provisions of LPS1.

This creates considerable uncertainty and concern over the control, and permissibility, of land use within the 'Future Urban' zone following finalisation of the amendment and accordingly the limited scope the City or the WAPC will have to appropriately address noise impacts at the subdivision and/or development stages.

As per the SPP 5.4 Implementation Guidelines, supporting information is required at the local planning scheme amendment stage to determine the suitability of the land for noise sensitive land use and development and provide guidance on statutory mechanisms required to control land use and development in response to the noise impacts.

Nevertheless, as assessment against Table 2 of the Implementation Guidelines identifies that noise sensitive land use and development is inappropriate on some of the subject lots as per Point b above.

- f) The amendment should be informed by a detailed acoustic assessment and noise management plan and provide clear guidance on land use suitability and the requirement for a structure plan that outlines the permissibility of, and conditions applicable to, noise sensitive land uses to guide the assessment and determination of applications for subdivision and/or development.**

As outlined in Point e above.

- g) In the absence of a detailed acoustic assessment, noise management plan and/or the realignment of the freight rail line, amending the scheme to a zone that provides for noise sensitive land uses is inappropriate, premature and inconsistent with SPP 5.4.**

The FLCWA acknowledge and support the Local Government's strategic objective for the construction of a new freight rail line that bypasses urban development; and acknowledge the opportunity that presents for the future use, subdivision and development of the subject lots, and other land adjacent to the existing rail corridor, for urban purposes.

However, until such time that the freight rail line is realigned, and freight rail movements are remote from the subject lots, the FLCWA considers that noise sensitive land use and development is inappropriate, premature and inconsistent with SPP 5.4.

- h) In the FLCWA's experience, addressing noise impacts at later stages of the planning process (i.e. post rezoning) results in poor outcomes to the detriment of the protection of urban amenity and freight corridor operations, which is inconsistent with SPP 5.4.**

In the FLCWA's experience, it is increasingly difficult to address noise impacts at the structure plan, subdivision and development stages of the planning process (i.e. post rezoning).

The precautionary principle of avoiding land use conflict is best employed at the region and local planning scheme amendment stages of the planning process and assists in minimising unrealistic expectations about future land use, lot yield and development potential.

Addressing noise impacts at the subdivision and development stages of the planning process have proven to result in poor land use and built form outcomes to the detriment of the protection of urban amenity and freight corridor operations, which is inconsistent with SPP 5.4.

3. THE STRATEGIC IMPORTANCE OF FREIGHT CORRIDOR PROTECTION

The freight and logistics industry is a significant economic driver at the local, regional, state and national level. In 2014 the Australian Logistics Council and Acil Allen Consulting reported that:

- The Australian logistics industry was estimated to account for 8.6% of the national GDP, adding \$131.6 billion to Australia's economy and employing 1.2 million people in 2013;
- In 2011-12 BITRE estimated that the domestic freight task totalled almost 600 billion tonne kilometres – equivalent to about 26,000 tonne kilometres of freight moved for every person in Australia;
- An increase in Logistics total factor productivity of 1% is estimated to increase GDP by \$2 billion; and
- Many issues currently affecting Logistics will impact the industry's future productivity.

With Australia's freight task forecast to double in the next 20 years¹, Local Government will play a central role in planning to service the growing freight task, capitalise on the economic benefits, minimise the cost of living, and maintain the quality and amenity of urban environments.

Ensuring the efficiency of Australia's freight and logistics industry, intermodal hubs, industrial land and the links to them is of critical importance to the nation's economy.

¹ *Inquiry into National Freight and Supply Chain Priorities Report March 2018, Commonwealth of Australia, Department of Infrastructure, Regional Development and Cities.*

The Federal Government is working closely with the states, territories and industry to develop and implement initiatives aimed at unlocking the full potential of the national supply chain. These initiatives include an emphasis on the long-term planning of freight infrastructure, supply chain visibility and the mapping of key freight routes that connect the nationally significant places for freight.

A key component to the Federal Government's agenda is the development and implementation of the National Freight and Supply Chain Strategy ('the NFSCS'). The NFSCS is in response to Infrastructure Australia's *Australian Infrastructure Plan* and is being prepared under the guidance of an expert panel that includes the Independent Chair of the Westport Taskforce and Chair of the Freight and Logistics Council of WA Inc.

Submissions on the Inquiry into National Freight and Supply Chain Priorities Discussion Paper highlighted urban encroachment, port (air, sea and land) corridor protection and the need for planning frameworks that acknowledge the importance of freight movement as key challenges to the supply chain achieving its full potential. The final strategy is expected to be delivered in September 2019.

The September 2018 House of Representatives Standing Committee on Infrastructure, Transport and Cities report, *Building Up and Moving Out: Inquiry into the Australian Government's role in the development of cities*², acknowledged submissions by Associate Professor Russell Thompson and the Australian Logistics Council, stating that

"One of the key issues identified in the evidence presented to the Committee was the need to protect freight facilities from urban encroachment. ..."

... The Australian Logistics Council (ALC) also noted that 'urban encroachment is one of the greatest challenges affecting the longer term operation of freight infrastructure', and argued that 'a truly safe and efficient supply chain needs to be able to operate round-the-clock, so that freight movement is able to occur at all times and operators can take advantage of off-peak road traffic volumes'. It observed, however, that 'current trends in planning policy tend to favour the interests of residential development over freight efficiency', resulting in 'lost economic opportunities and, very often, higher costs for freight operators'. ..."

The report concluded that:

"... freight connectivity is no less important than passenger connectivity. The efficient movement of freight is essential to the economy and employment. The rapid rise of the freight task with increasing population and economic growth is already presenting challenges ..."

"Urban encroachment is leading to existing freight infrastructure coming into conflict with residential development and being forced to operate at less than optimum levels. There clearly needs to be policy development to protect essential freight infrastructure and routes from the effects of urban development."

² Source: https://www.aph.gov.au/Parliamentary_Business/Committees/House/ITC/DevelopmentofCities/Report

And recommended that the Australian Government:

"Give priority to the development of a national freight network, with a view to creating a strong system of multimodal integration based on dedicated freight nodes, prioritising the movement of freight by rail ..."

The NFCSC, as well as the City's own strategic documents, place a strong emphasis on the importance of unfettered freight-rail operations, and protecting the flexibility of transport corridors (such as retaining surplus land to accommodate future needs should they arise).

The City's Local Planning Strategy states that:

"...future growth in rail traffic in Kalgoorlie is an inevitable consequence of expansion of the mining industry and continued growth of interstate freight... [and] East-West freight movements throughout the city are expected to increase, with the growth of inter-state demand."

State and Local Governments play a central role in the long-term planning, provision and management of transport networks, including transport corridors, that service Australia's growing freight task thereby ensuring that Australian exports remain competitive and in turn support the growth of local and regional economies.

Beyond protecting physical infrastructure, it is equally important to protect the 24/7/365 operation of hubs and corridors by preventing encroachment by incompatible land uses to reduce land use conflict and road congestion.

4. SUMMARY

With the vast majority, and substantial volumes, of interstate freight moving in and out of Western Australia through the City of Kalgoorlie-Boulder, the importance of the existing freight rail corridor to local, regional, state and national supply-chain cannot be understated.

Protection of the corridor from inappropriate urban encroachment is essential to secure unrestricted 24/7/365 operations that support local and national supply chain efficiency.

Whilst the FLCWA supports the proposed realignment of the freight rail line to bypass urban development and acknowledges the opportunities this presents for the redevelopment of land within proximity of the town centre in the future, in the absence of certainty around the timing and funding of the rail realignment the FLCWA considers that Amendment 96, and in particular the introduction of noise sensitive land uses, is premature, inappropriate and inconsistent with SPP 5.4.

For the reasons outlined in the preceding letter, the FLCWA objects to Local Planning Scheme No. 1 Amendment 96 and the proposal to reclassify Lots 1, 2, 300, 307 and 324 Forrest Street, Kalgoorlie from the 'Railways' reserve to the 'Future Urban' zone

The FLCWA would like to thank you for this opportunity to comment on Amendment 96 and would welcome the opportunity to meet to elaborate on the views put here and work collaboratively if required.

Yours sincerely,



NICOLE LOCKWOOD
Chair
Freight and Logistics Council of Western Australia

3 December 2018

CC:

- Rita Saffioti, Minister for Transport; Planning; Lands
- David Caddy, WAPC Chairman
- Richard Sellers, Director General Transport
- Gail McGowan, Director General DPLH