

14 December 2018

Chief Executive Officer  
Shire of Wagin  
PO Box 2042  
BOULDER WA 6432

**Attention:** Mr Peter Webster (sent by email to shire@wagin.wa.gov.au)

Dear Mr Webster

**FREIGHT AND LOGISTICS COUNCIL OF WESTERN AUSTRALIA INC – SUBMISSION OF OBJECTION  
SHIRE OF WAGIN LOCAL PLANNING SCHEME NO. 2 – PROPOSED AMENDMENT 6  
LOT 1913 (NO. 3) VENTNOR STREET, WAGIN**

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 Shire of Wagin's ('the Shire') consideration of Amendment 6 ('Amendment 6') to Local Planning Scheme No. 2 ('LPS2'), which proposed to reclassify Lot 1913 Ventnor Street, Wagin ('the subject lot') from the 'Railways' reserve to the 'Residential' zone with a density code of R30.

Whilst the FLCWA acknowledges that the site may not currently be required for railway purposes, at this time we object to Amendment 6 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, agricultural producers and the State's economy;
- b) The amendment fails to identify and address the impact of noise from the operation of the adjoining freight rail line on the subject lot, as required by State Planning Policy 5.4 (SPP 5.4);
- c) The suitability of the proposed 'Residential' zone has not been demonstrated or informed by an acoustic assessment, as required by SPP 5.4;
- d) The suitability of noise-sensitive land uses, that may be permitted under the 'Residential' zone, has not been demonstrated or informed by a detailed acoustic assessment, as required by SPP 5.4;
- e) The amendment should be informed by an acoustic assessment and provide clear guidance on land use suitability and/or development standards to guide the assessment and determination of applications for subdivision and/or development;
- f) In the absence of an acoustic assessment, amending the scheme to a zone that provides for noise sensitive land use and development is inappropriate and inconsistent with SPP 5.4;

- g) 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; and
- h) The R30 density code provides for the lot to be subdivided/developed for six (6) standard lots/dwellings or ten (10) aged and dependent persons lots/dwellings, resulting in a substantial increase in residents that will be exposed to noise from the operation of the freight rail corridor.

## **1. AMENDMENT 6 CONTEXT**

Local Planning Scheme No. 2 Amendment 6 proposes to reclassify Lot 1913 Ventnor Street, Wagin from the 'Railways' reserve to the 'Residential' zone with a density code of R30.

Lot 1913 is 2,033m<sup>2</sup> in area and contains buildings (two dwellings and seven dongas) that were historically used as a railway barracks but are now surplus to railway purposes.

It is intended that the site and established structures will be used for holiday accommodation (short stay accommodation for visitors and tourists).

The lots immediately abut an operational rail corridor carrying freight rail services, connecting regional communities in the Wheatbelt and Great Southern with Perth and Albany, including export gateways at Fremantle, Kwinana and Albany ports.

At present, the lot is used and developed for a use that is suitably located adjacent, and complementary, to an operational rail line and Watco's Great Southern operations base, which includes driver exchanges, minor train provisioning and locomotive and wagon maintenance activities.

## **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, agricultural producers and the State's economy.**

The portion of freight rail line abutting the subject lots forms an essential component of the Wheatbelt and Great Southern regional freight rail network, connecting regional producers and communities to Perth and export gateways at Fremantle, Kwinana and Albany ports.

With the vast majority, and substantial volumes, of grain freight moving to Perth and port gateways on the freight rail network, the importance of the existing freight rail corridor to local, regional and state supply-chains cannot be understated.

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

Unrestricted freight rail operations assist in minimising transport costs and ensuring that Western Australian produce and materials remain price competitive in the global marketplace.

**b) The amendment fails to identify and address the impact of noise from the operation of the adjoining freight rail line on the subject lot, 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 lot.

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 'Residential zone has not been demonstrated or informed by an acoustic assessment and noise management plan, as required by SPP 5.4.**

The lot is located within approximately 40m 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 61 – 62 dB and the subject lots would fall within the following exposure categories:

- Category C (40 – 50m) – 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 (30 – 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 'Residential' zone, has not been demonstrated or informed by an acoustic assessment and noise management plan, as required by SPP 5.4.**

See comments under Point c above.

- e) The amendment should be informed by an acoustic assessment and provide clear guidance on land use suitability and/or development standards to guide the assessment and determination of applications for subdivision and/or development.**

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 uses and development (including short stay accommodation) 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 may be inappropriate as per Point c above.

- f) In the absence of a detailed acoustic assessment, amending the scheme to a zone that provides for noise sensitive land use and development is inappropriate and inconsistent with SPP 5.4.**

See comments under Points a, b and c above.

- g) 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.

- h) The R30 density code provides for the lot to be subdivided/developed for six (6) standard lots/dwellings or ten (10) aged and dependent persons lots/dwellings, resulting in a substantial increase in residents that will be exposed to noise from the operation of the freight rail corridor.**

Based on a lot area of 2,033m<sup>2</sup> the R30 density code provides for the lot to be subdivided and/or developed for six (6) standard lots/dwellings or ten (10) aged and dependent persons lots/dwellings, subject to compliance with the requirements of the Residential Design Codes and the availability of reticulated sewer services.

Whilst it is acknowledged that the intent is to use the land and buildings for holiday accommodation (short stay accommodation for visitors and tourists), the proposed zoning and density code provides for the land to be subdivided and developed for a range of noise sensitive land uses that are incompatible with the operation of a freight rail corridor and associated rail related activities.

As outlined in the grounds for objection above, in the absence of an acoustic assessment that demonstrates the suitability of the proposed zone and permissible noise sensitive land uses the proposed amendment is considered premature and 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 years<sup>1</sup>, 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.

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*<sup>2</sup>, 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*

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

<sup>2</sup> Source: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/House/ITC/DevelopmentofCities/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/House/ITC/DevelopmentofCities/Report)

*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."*

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 ..."*

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 grain freight moving to Perth and port gateways on the freight rail network, the importance of the existing freight rail corridor to local, regional and state supply-chains cannot be understated.

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

Unrestricted freight rail operations assist in minimising transport costs and ensuring that Western Australian produce and materials remain price competitive in the global marketplace.

For the reasons outlined in the preceding letter, the FLCWA objects to Local Planning Scheme No. 2 Amendment 6 and the proposal to reclassify Lot 1931 Ventnor Street, Wagin from the 'Railways' reserve to the 'Residential' zone with an R30 density code.

The FLCWA would like to thank you for this opportunity to comment on Amendment 6 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**

14 December 2018

CC:

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