



## FREIGHT AND LOGISTICS COUNCIL OF WESTERN AUSTRALIA

Chief Executive Officer  
City of Cockburn  
PO Box 1215  
BIBRA LAKE WA 6965

Attn: Lorenzo Santoriello, Senior Strategic Planner

Dear Lorenzo

**RE: CITY OF COCKBURN LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 118 AND DRAFT LOCAL PLANNING POLICY 1.17 – FREIGHT RAIL NOISE AREA**

The Freight and Logistics Council of Western Australia (the Council) comprises senior decision-makers from both industry and Government and was established to provide independent policy advice to the State Minister for Transport on developments impacting the delivery of freight and logistics services throughout Western Australia.

Consistent with the Council's charter, this response is made on behalf of its industry members. In that regard, the Council appreciates the opportunity to comment on the City of Cockburn's (the City) Local Planning Scheme No. 3 Amendment No. 118 (Amendment 118) and Draft Local Planning Policy 1.17 – Freight Rail Noise Area (LPP 1.17) and wishes to outline its strong support for both proposals.

**a) Summary of Support**

In recent years the Council has undertaken detailed research into the nature and characteristics of freight rail noise to inform the Council's position on how the land use planning framework, particularly State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4), can deliver better outcomes for the protection and operation of key freight transport corridors and the urban amenity of neighbouring areas.

Amendment 118, LPP 1.17 and the associated studies prepared by Lloyd George Acoustics for the City significantly advance, and complement, the recent work of the Council (with support from Lloyd George Acoustics, SITE planning + design and Responsive Environments) and builds on the established evidence base demonstrating that SPP 5.4 is failing to deliver on its primary objectives in relation to freight rail operations, which aim to:

- *“protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals;*
- *protect major transport corridors and freight operations from incompatible urban encroachment;*
- *encourage best-practice design and construction standards for new development proposals and new or redeveloped transport infrastructure proposals;*

- *facilitate the development and operation of an efficient freight network...*

While the Council's recent focus has been on freight rail noise rather than road noise or road/rail vibration, it strongly supports the proposed changes to the City's statutory planning framework to afford greater protection to the unrestricted operation of road and rail freight routes and the amenity of neighbouring urban areas.

The Council is particularly supportive of the proposed Special Control Area, which, inter alia, triggers the requirement for planning approval to be granted for both single and ancillary dwellings. Single and ancillary dwellings are currently, and generally, exempt from the requirement to obtain planning approval where the proposed development is consistent with the requirements of the Residential Design Codes.

These exemptions limit the effective implementation of SPP 5.4, particularly in brownfields areas such as those affected by Amendment 118 and LPP 1.17, where local government does not have a statutory trigger to assess the proposed development against the provisions of SPP 5.4 and impose appropriate conditions, such as:

- notifications on the title of lots advising prospective purchasers that the land is affected by freight road and/or rail noise;
- the implementation of quiet house design principles; and/or
- the implementation of architectural packages during building design and/or construction.

The Council commends the City for the investment in detailed acoustic and vibration studies to support and inform Amendment 118 and LPP 1.17 and for the balanced approach to achieving urban infill targets, higher standards of urban amenity and freight transport corridor protection.

The Council is encouraged by the strategic nature of the initiative proposed by the City, and the beneficial outcomes that it will deliver for both the community and the freight and logistics industry, including, but not limited to:

- greater certainty for landowners and industry;
- greater consistency in decision making along a portion of the freight rail network;
- greater protection for the unrestricted operation of road and rail freight corridors;
- greater protection of urban amenity for established and future urban communities;
- facilitating urban infill in a manner that balances increased residential density, providing an incentive for landowners to undertake redevelopment, against higher construction standards, which affords a greater level of protection for the long-term operation of freight corridors; and
- delivering higher standards of urban amenity for single and ancillary dwellings.

The Council intends to engage with other local governments along the metropolitan freight rail network to promote the City's proposed planning framework outlined in Amendment 118 and LPP 1.17 and seek support, as appropriate, to initiate amendments to other local planning schemes encompassing similar controls.

## **b) Background**

### **Protecting Community Amenity and Freight Efficiency and Productivity**

As population growth, urban consolidation and housing affordability (among other factors) continue to drive the form of our cities and towns. The growth and productivity of the country's national, state and local freight supply chains is under threat and facing pressure not seen before in Australia.

Strategic economic infrastructure, such as sea ports, airports, intermodal terminals, freight road and rail networks, that were historically remote from urban communities, are now at their heart. This results in land use conflicts that threaten urban amenity and the country's national competitiveness.

As the Perth metropolitan region continues to grow, with a clear State Government mandate for urban consolidation and transit orientated development, urban encroachment on freight transport corridors and hubs has become a priority concern for the Council.

In that respect, operations on the metropolitan road and rail freight networks have the potential to impact severely on the amenity of the community adjacent to them.

The Council continues to advocate for strategic and statutory planning frameworks that acknowledge the economic importance of the freight supply chain, the forecast growth in the freight task and their effective implementation.

### **Freight Rail Network**

Freight rail networks are an essential and invaluable component of the freight and logistics network and, in turn, of the Western Australian economy. The State's freight rail network:

- connects WA to the east coast and carries the majority of consumer goods found on WA supermarket shelves;
- carries primary resources from major extraction projects in regional areas to sea and rail ports across the State, ensuring access to national and global markets;
- carries agricultural produce from regional areas to sea and rail intermodal facilities across the State, ensuring access to national and global markets; and
- carries containerised freight to and from intermodal rail terminals and Fremantle Inner Harbour, reducing container road freight by 16.5 per cent (with a State Government target of 30 per cent), thereby containing congestion on the metropolitan road network and impacts for established urban communities. It should be noted that the Fremantle Port rail service currently carries over 100,000 TEU per annum, which results in the removal of 13 kilometres of trucks from the road network each day.

The value of the role and functions of the freight rail network, as summarised above, cannot be underestimated.

The Council equally supports the protection of road and freight rail transport corridors. However, its particular interest in the protection of the freight rail network stems from Council research demonstrating that the current SPP 5.4 is inadequate in predicting the level of disturbance that results from freight rail operations. The result has been, and will continue to be under the present policy, urban encroachment on freight rail corridors to the detriment of both residential amenity (in the short term) and freight efficiency (in the medium to long term).

It should be noted that freight rail operations:

- have a unique noise profile, when compared to passenger rail and road noise;
- have other off-site impacts, including vibration;
- are likely to experience increased movements (particularly at night) as the State Government continues to encourage freight rail as an alternative to congested road networks;
- have long-standing and fixed corridors that cannot be moved without prohibitive and unacceptable costs to the public purse;
- have irregular, and in some cases, infrequent movements; and
- make a substantial and significant contribution in economic terms.

#### **State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4)**

In 2015, the Council initiated research to establish an evidence base to inform its position on the review of SPP 5.4 and, more generally, to support comments made for or against land use and transport planning proposals released for public comment. The results of the research led to the preparation of the Council's FLCWA Bulletin No. 7 – Freight Rail Noise Policy and Practice. (A copy of the document is attached for your consideration.)

Bulletin No. 7 looks specifically at how freight rail noise is different in nature and character to road and passenger rail noise and why a clear understanding of freight rail noise is important for effective land use planning along rail freight corridors.

The research concluded that the current SPP 5.4 policy is inadequate in predicting the level of disturbance associated with freight rail operations and therefore its use has resulted in urban encroachment on freight rail corridors to the detriment of both residential amenity (in the short to long term) and freight efficiency and productivity (in the medium to long term).

The research also provided additional technical standards on the distinctive characteristics of freight rail noise to more fully inform land use planning decisions and architectural treatment packages for residential development along freight rail lines to maintain an adequate level of amenity within adjacent residential and other noise sensitive buildings.

Subsequent to the publication of Bulletin No. 7, the Council undertook further research to investigate the cost implications of the alternative treatment packages for residential development outlined in the Bulletin. The research demonstrated that while the alternative architectural packages increase the dwelling construction cost, in most but not all, instances, they achieve a greater noise reduction per dollar spent on construction (dB reduction/\$ spent) than the SPP 5.4 architectural packages

The results of the research were provided to the Department of Planning to assist its review of SPP 5.4 and implementation guidelines.

It is not clear at the present time as to the status of the review or the timeline for the release of the draft policy and implementation guidelines for public comment. Notwithstanding this uncertainty, the Council is keen to work with the City to ensure the proposed planning framework outlined in Amendment 118 and LPP 1.17 affords an appropriate level of protection for residential amenity and freight efficiency.

While the Cockburn Coast District Structure Plan (DSP) and Robb Jetty Local Structure Plan outline an alternative approach to road and rail freight noise management, the Council considers that the

approach outlined in Amendment 118 and LPP 1.17 is more robust, will result in more effective implementation and in turn will deliver greater outcomes.

### **c) Noise and Vibration Monitoring and Modelling**

While the Council will continue to seek changes to SPP 5.4 and the implementation guidelines for the protection of residential amenity and freight rail infrastructure, it acknowledges that the effective and consistent implementation of SPP 5.4 can be limited by:

- the technical and complex nature of acoustic and vibration modelling;
- the absence of a clear and agreed understanding of the forecast growth of freight movements through freight precincts and along freight corridors, and the availability of that information to inform acoustic and vibration assessments;
- the availability of expertise and capability within land use planning and transport decision-making authorities to interrogate and interpret acoustic and vibration assessments; and
- land use planning and transport decision-making authorities trying to balance often competing objectives.

In light of these limitations, the Council urges the City to give careful consideration to the information used to inform noise and vibration monitoring and modelling and to review the current and forecast freight rail movements and subsequently the need to review and/or update the acoustic report and the deemed to satisfy criteria referenced in Amendment 118 and LPP 1.17.

Growth in freight movements and activities are dynamic, responding to local, national and global market changes and demands placed on the transport industry. They are also significantly impacted by the movement of seasonal commodities such as grain.

The recent “Perth and Peel Transport Plan for 3.5 Million People and Beyond” highlights the importance of the protection of freight transport corridors, stating:

*“As the city grows, it will become increasingly important for our economy to protect our freight network so that goods can continue to move easily to and from the port, around the city, to regional areas and interstate.*

*By mid-century there is expected to be a fourfold increase in international containers and there will need to be significant expansion of the freight network to accommodate this growth.”*

The document also outlines the future development of three new intermodal terminals at Kewdale, Latitude 32 and Bullsbrook and the duplication of the freight rail lines at Forrestfield/Kewdale. These investments in freight rail infrastructure and the subsequent growth in freight rail movements on the Freight Rail Main Line through Bibra Lake and South Lake strengthen the necessity for acoustic and vibration assessments being informed by accurate data on the current and forecast growth in rail movements.

The forecast growth in freight task and associated movements again highlights the shortcomings of SPP 5.4 and the default criteria relating to freight rail noise modelling of one train per hour. Portions of the metropolitan freight rail network are currently carrying greater freight rail movements than an average of 1 train per hour, and in some locations sections of the network are carrying up to 3 trains per hour (averaged across a week, based on movements during March 2017).

The key to the effective implementation of SPP 5.4 and local planning frameworks established by Local Government in relation to freight rail noise is an understanding of the current and forecast freight task and movements on the freight rail network. In this regard the Council acknowledges that both Government and industry need to work together to ensuring that this information is modelled, agreed and made readily available.

#### **d) Conclusion**

The Council appreciates the opportunity to comment on the City of Cockburn's Local Planning Scheme No. 3 Amendment No. 118 and Local Planning Policy 1.17 Freight Rail Noise Area and is encouraged by the work of the City, together with the Public Transport Authority and Lloyd George Acoustics, to further the work of the Council on freight rail noise and propose a statutory planning framework that aims to achieve a balanced approach to achieving urban infill targets, higher standards of urban amenity and freight transport corridor protection.

The Council strongly supports the proposed implementation of a Special Control Area to trigger the requirement for planning approval for single and ancillary dwellings and the provision of deemed to satisfy standards, which work towards more effective implementation of SPP 5.4. Therefore the Council encourages the WAPC and the Minister for Planning to support the amendment proposed by the City.

The Council sees value in the strategic and balanced approach proposed by the City, and the beneficial outcomes that it will deliver for both the community and the freight and logistics industry, including, but not limited to:

- certainty for landowners and industry;
- consistency in decision making along a portion of the freight rail network;
- protection for the unrestricted operation of road and rail freight corridors;
- protection of urban amenity for established and future urban communities;
- facilitating urban infill in a manner that balances increased residential density, providing an incentive for landowners to undertake redevelopment, against higher construction standards, which affords a greater level of protection for the long-term operation of freight corridors; and
- delivering higher standards of urban amenity for single and ancillary dwellings.

To achieve effective implementation of Amendment 118 and Local Planning Policy 1.17, following assessment and adoption by the WAPC and the Minister for Planning, the Council encourages the City to undertake:

- regular reviews of the current and forecast freight rail movements and subsequently the need to review and/or update the acoustic report and the deemed to satisfy criteria referred to in Amendment 118 and LPP 1.17;
- ongoing education and training of the City's professional staff, responsible for the assessment of development applications and/or site specific acoustic and vibration assessments; and
- regular assessment of the outcomes achieved by Amendment 118 and LPP 1.17, including external/internal noise monitoring by a suitable qualified acoustic consultant to evaluate the outcomes achieved against those proposed prior to construction.

The Council intends to engage with other local governments along the metropolitan freight rail network to promote the proposed planning framework outlined in Amendment 118 and LPP 1.17

and seek support, as appropriate, to initiate amendments to their local planning schemes to introduce similar controls. The Council would welcome the opportunity to collaborate with the City on this initiative.

The Council would also be pleased to meet with the City to elaborate on the points made here or on any other suggestions that would add to the achievement of a sustainable balance between the needs of the freight rail lines and neighbouring communities.

Yours sincerely



Nicole Lockwood  
Chair  
June 2017

Enc

- FLCWA Bulletin No. 7 – Freight Rail Noise Policy and Practice, dated October 2015

Cc

- Hon Rita Saffioti, Minister for Transport, Planning and Lands
- Eric Lumsden, Chairman, Western Australian Planning Commission
- Gail McGowan, Director General, Department of Planning
- Richard Sellers, Director General, Department of Transport