

12.1 Notice of Motion - Midland Freight Rail Realignment - Cr Luke Ellery

File Code	PS.MRS 1313.41
Author	Liam Sexton, Planning Officer
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	1. Context Plan 2. City of Swan - Cr Zannino Notice of Motion

SUMMARY

Councillor Luke Ellery has advised his intention to move the following notice of motion:

MOTION

That Council:

1. Notes City of Swan Council intends to consider a notice of motion regarding the Metropolitan Region Scheme amendment 1313/41 (Midland Freight Rail Realignment);
2. Supports Part 1 (b) of City of Swan notice of motion referred to in part 1:
“That the Council resolve to:
 - 1) *Request the Minister for Transport; Planning and Ports; the Hon Rita Saffioti to ensure that:*
 - b) *Review (/) reconsider the impact on the overall Vehicular Traffic Flows now occurring in Midland, and planned for the future.”; and*
3. Writes to the Minister for Transport; Planning and Ports (Hon Rita Saffioti) affirming Shire of Mundaring does not support realignment of the Midland Freight Rail to a position east of Roe Highway in the locality of Bellevue / Helena Valley within Shire of Mundaring, for the following reasons:
 - a. A new realignment is inconsistent with the State Government’s Sub-Regional Planning Framework, which identifies this area for Urban Undeveloped and Urban Expansion and the rail realignment within the Hazelmere Industrial area;
 - b. The proposed realignment is inconsistent with Shire of Mundaring Foothills Growth Strategy adopted in 2015, which reflects the State’s expectations for urban expansion in this location;
 - c. As part of an agreement between the State Government and the landowner/developer, this location has significantly progressed subdivision works for residential development. Importantly, the agreement included:
 - i. Adjustments to the extent of Urban zoned land and Regional Reserve land under the Metropolitan Region Scheme; and

- ii. Obligations on the developer to rehabilitate a large extent of the Helena River foreshore for a 25 year period. As part of these works, a sophisticated wetland retention and treatment system has already been constructed, with the intent to improve the water quality from the Midland Main drain.
 - d. A new realignment through Bellevue / Helena Valley would necessitate the compulsory acquisition of subdivisions for residential development that have been significantly progressed;
 - e. Any crossing east of Roe Highway would cross over the floodplain of the Helena River foreshore requiring extensive civil works and causing significant ecological damage to an area the Shire of Mundaring wishes to enhance, not degrade.
4. Requests the Minister for Transport; Planning and Ports (Hon Rita Saffioti) publicly reaffirm the State's preferred freight rail realignment through Hazelmere industrial area as reflected in the State's North-East Sub-Regional Structure Plan.

This report provides advice in relation to the motion.

BACKGROUND

Amendment 1313/41 - Midland Freight Rail Realignment (Amendment) seeks to transfer approximately 18 hectares of land in City of Swan, to Railways and Primary Regional Road reservations in the Metropolitan Region Scheme (MRS) (refer **Attachment 1**).

The Railway reservation will:

"...allow for the existing freight rail to be realigned out of the Midland strategic metropolitan centre, facilitating successful redevelopment of the centre in accordance with broader strategic planning objectives."

(Western Australian Planning Commission, 1313/41 Amendment Report 2018)

Cr Ellery has provided the information below in support of his motion:

"It is understood that the City of Swan Council intends to consider a notice of motion to write to the Planning Minister requesting due consideration be given for a freight alignment east of Roe Highway (through the Shire of Mundaring). The intent of writing to the Minister is to make clear the Shire of Mundaring's position on any alignment east of Roe, ensure the impacts to the localities are understood and seek a response to address public concern and uncertainty."

STATUTORY / LEGAL IMPLICATIONS

Notice of Motion

The Shire of Mundaring *Meeting Procedures Local Laws 2015* states, among other things:

"4.10 Elected members motions of which previous notice has been given

- (1) *Unless the Act, Regulations or this local law provide otherwise, a member may raise at a meeting such business as he or she considers appropriate, in the form of a*

motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

- (2) A notice of motion under subclause (1) is to be given at least seven clear working days before the meeting at which the motion is to be raised.*
- (3) A notice of motion is to be accompanied by supporting reasons and is to relate to the good governance of the district.”*

The Notice of Motion received from Cr Ellery is in accordance with the Shire of Mundaring Meeting Procedures Local Law 2015.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.2 – The Shire advocates on behalf of its community

Strategy 4.2.1 – The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the community and wider region

SUSTAINABILITY IMPLICATIONS

Should the State Government consider realigning the Midland Freight Rail line east of Roe Highway, sustainability implications would inform this decision.

RISK IMPLICATIONS

Risk: Reputational – Should Council not publicly declare its position in regards to realigning the Midland Freight Rail within Shire of Mundaring, there is a risk that community trust will be reduced.		
Likelihood	Consequence	Rating
Likely	Minor	Moderate
Action / Strategy		
The risk can be mitigated by supporting the motion.		

EXTERNAL CONSULTATION

Nil

COMMENT

The motion has two objectives. The first is to support City of Swan’s lobbying to the State Government for a review of higher order planning for vehicular traffic in the Midland area. The second is to establish a formal position on any potential consideration of the Midland Freight Rail Realignment being within Shire of Mundaring, east of Roe Highway.

The first objective is consistent with an established position of Council.

At its 14 September 2021 ordinary meeting, Shire of Mundaring Council resolved (resolution C5.09.21):

“That Council:

2. *Requests the Minister for Transport prepare an Integrated Transport Plan that involves an overarching review of the whole area with input provided from all stakeholders including the Shire of Mundaring, City of Swan, City of Kalamunda, Bellevue Residents and Ratepayers Association, Main Roads WA, other relevant State Government authorities and local ratepayer and business groups.”*

As established by the reasons in Part 3 of the Motion, the second objective:

- a. is consistent with local and state planning frameworks;
- b. protects significant new housing development in the Shire of Mundaring.

The suggestion by the proposed City of Swan notice of motion that the State Government should consider an alternative realignment of the freight rail line, east of Roe Highway, is considered not well justified.

On the contrary, in their report to Council, City of Swan staff acknowledge that (Refer **Attachment 2**):

“A number of alternative alignments were considered prior to the alignment shown in the 2018 MRS Amendment 1313/14(41) being selected.”

VOTING REQUIREMENT

Simple Majority

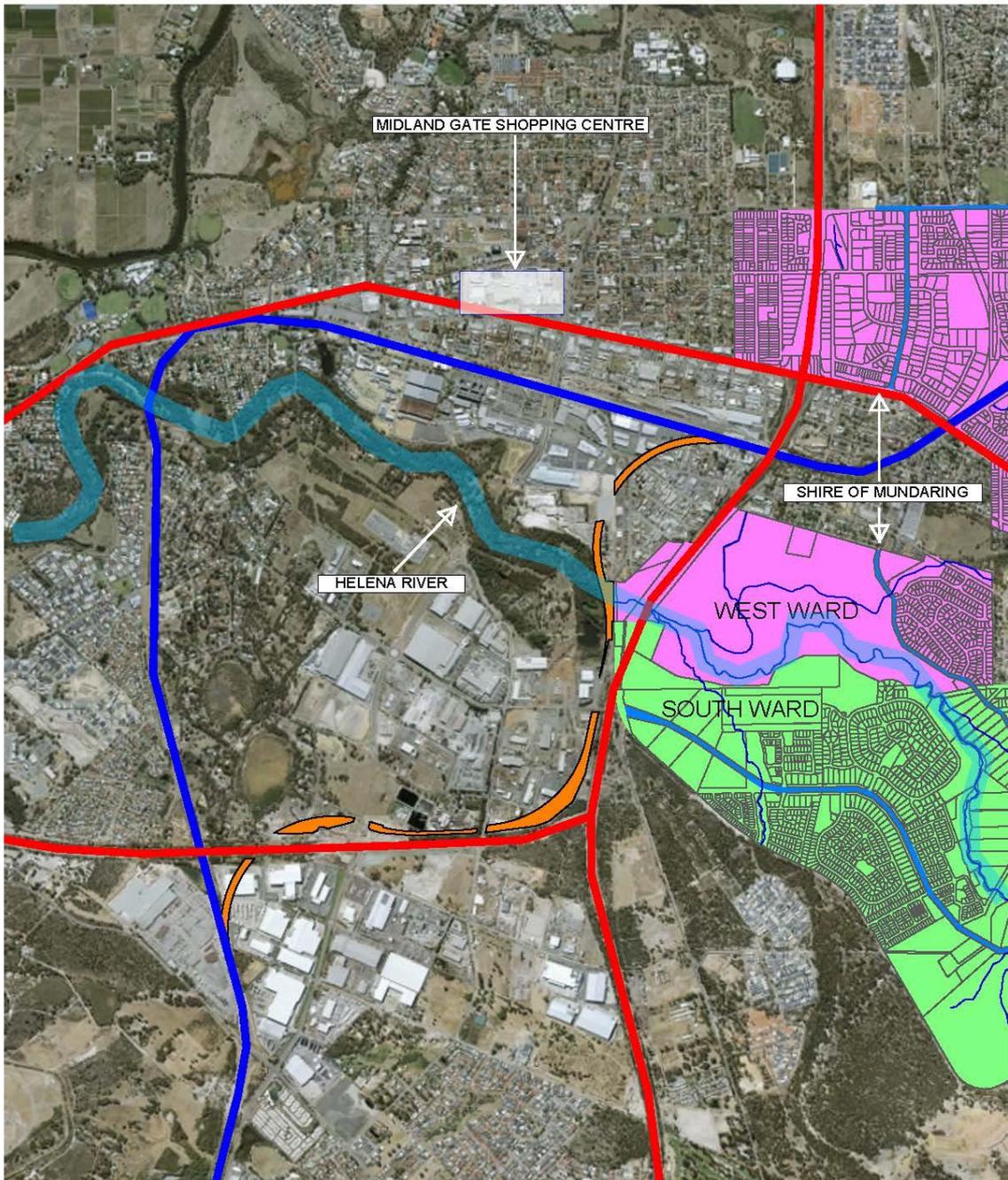
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3. Writes to the Minister for Transport; Planning and Ports (Hon Rita Saffioti) affirming Shire of Mundaring does not support realignment of the Midland Freight Rail to a position east of Roe Highway in the locality of Bellevue / Helena Valley within Shire of Mundaring, for the following reasons:
 - a. A new realignment is inconsistent with the State Government’s Sub-Regional Planning Framework, which identifies this area for Urban Undeveloped and Urban Expansion and the rail realignment within the Hazelmere Industrial area;

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- b. The proposed realignment is inconsistent with Shire of Mundaring Foothills Growth Strategy adopted in 2015, which reflects the State's expectations for urban expansion in this location;
 - c. As part of an agreement between the State Government and the landowner/developer, this location has significantly progressed subdivision works for residential development. Importantly, the agreement included:
 - ii. Adjustments to the extent of Urban zoned land and Regional Reserve land under the Metropolitan Region Scheme; and
 - iii. Obligations on the developer to rehabilitate a large extent of the Helena River foreshore for a 25 year period. As part of these works, a sophisticated wetland retention and treatment system has already been constructed, with the intent to improve the water quality from the Midland Main drain;
 - d. A new realignment through Bellevue / Helena Valley would necessitate the compulsory acquisition of subdivisions for residential development that have been significantly progressed;
 - e. Any crossing east of Roe Highway would cross over the floodplain of the Helena River foreshore requiring extensive civil works and causing significant ecological damage to an area the Shire of Mundaring wishes to enhance, not degrade; and
4. Requests the Minister for Transport; Planning and Ports (Hon Rita Saffioti) publicly reaffirm the State's preferred freight rail realignment through Hazelmere industrial area as reflected in the State's North-East Sub-Regional Structure Plan.



<p>CURRENT FREIGHT RAIL ALIGNMENT </p> <p>PROPOSED FREIGHT RAIL ALIGNMENT (MRS AMENDMENT 1313/41) </p> <p>PRIMARY REGIONAL ROAD - GREAT EASTERN HIGHWAY / BYPASS, ROE HIGHWAY </p>			
 <p>Whilst every effort has been made to ensure the accuracy of the map, no liability can be assumed for any errors in the information. It would be appreciated if any errors could be reported to the GIS Section, IT Services, Shire of Mundaring, 7000 Great Eastern Highway Mundaring WA 6073 or E-mail shire@mundaring.wa.gov.au</p>	<p>Context Plan - Midland Freight Rail Realignment</p>	<p>14/06/2022</p>	
		<p>Scale 1:30000</p>	

Ordinary Meeting of Council
06 July 2022

13.15 CR ZANNINO - PROPOSED REALIGNMENT OF NATIONAL FREIGHT ROUTE

Ward: (Midland/Guildford Wards) (Strategic Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

Cr Zannino submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request the Minister for Transport; Planning and Ports; the Hon Rita Saffioti to ensure that:
 - a) Review of the 2018 MRS Amendment 1313/14 Decision in regard to the Realignment of the National Rail Freight Route, as currently proposed, is undertaken as a matter of urgency to alleviate traffic problems evident in the Town of Midland.
 - b) Review reconsider the impact on the overall Vehicular Traffic Flows now occurring in Midland, and planned for the future.
 - c) Due consideration is given to a potential realignment of the National Rail Freight Route to a position east of the Roe Highway, and housing development within the Shire of Mundaring, so that disruption to all areas south of the existing rail route are fully considered, including the new growth areas that have emerged south of the current rail route, and were not included/foreseen in the earlier inputs to the 2018 Amendment Decision.
 - d) Recognition is given to these requests by the City of Swan is part of the City's desire to address the historically long-standing problems associated with Traffic Flows within the Midland Town and Guildford in serving the multiple interests of a successful Metropolitan Centre.

Reason for Motion (provided by Cr Zannino)

To alleviate long-standing traffic congestion problems within the Midland Town and Guildford area.

Ordinary Meeting of Council
06 July 2022

OFFICER COMMENT

A need to address traffic congestion issues in the locality is well understood and has, at the time also informed the current alignment's positioning.

It has been a long standing ambition of the Western Australian Planning Commission (WAPC), the Metropolitan Redevelopment Authority (MRA) and the City of Swan, to see the existing freight rail realigned out of the Midland strategic metropolitan centre in the long term. A number of alternative alignments were considered prior to the alignment shown in the 2018 MRS Amendment 1313/14 being selected.

Although the growth assumptions underpinning assessment of the MRS Amendment have not substantially changed since 2018, it is agreed that traffic movements in the area are changing as a result of developments progressing in the area. It should also be noted that traffic movements are expected to further change once Robinson Road is closed and Lloyd Street has been extended southwards to join Abernethy Road.

The City's ambition to address traffic issues in the locality is a matter also acknowledged in the City's adopted Local Planning Strategy, approved by the WAPC in August 2020.