

EXPLANATORY MEMORANDUM

Railway (METRONET) Bill 2018

The purpose of this Bill is to authorise, as part of the METRONET program of projects to integrate transport and land use planning, the construction of a railway from Beckenham junction to Cockburn (known as the Thornlie-Cockburn Link); and a railway from Butler to Yanchep (known as the Yanchep Rail Extension) and for related purposes.

Once passed, the act will be a special Act as envisaged by section 96 of the *Public Works Act 1902*.

The Thornlie-Cockburn Link (TCL) railway will branch off the Armadale line at Beckenham junction and end at Cockburn Central station on the Mandurah line with two new stations at Ranford Road and Nicholson Road, Canning Vale and will include bus interchange and park and ride facilities at each new station.

The Yanchep Rail Extension (YRE) railway will extend from Butler station on the Currambine to Butler railway line to end at a point 2 800 m north of the intersection of Marmion Avenue and Yanchep Beach Road, Yanchep. YRE will also include new train stations with bus interchange and park and ride facilities located at Alkimos, Eglinton and Yanchep.

Following are the contents of the Bill, described section by section.

Part 1 - Preliminary

Section 1: Short Title

The short title is *Railway (METRONET) Act 2018*.

Section 2: Commencement

The Act will come into operation on the day on which it receives the Royal Assent.

Part 2: Authority to construct METRONET railways

Section 3: Authority to construct Thornlie – Cockburn Link

Section 96 of the *Public Works Act 1902* requires every railway to be made under the authority of a special Act which shall state as nearly as may be the alignment of the railway and also state the two termini of that railway.

Section 3 authorises the construction of the proposed TCL railway. The authority extends to construction and maintenance of the proposed railway with all the proper and usual works and facilities along the line which is specified in Schedule 1 to the Bill.

Section 4: Authority to construct Yanchep Rail Extension

Section 96 of the *Public Works Act 1902* requires every railway to be made under the authority of a special Act which shall state as nearly as may be the alignment of the railway and also state the two termini of that railway.

Section 4 authorises the construction of the proposed YRE railway. The authority extends to construction and maintenance of the proposed railway with all the proper and usual works and facilities along the line which is specified in Schedule 2 to the Bill.

Part 3: Application of Metropolitan Region Scheme

Section 5: Terms used

Section 5 defines relevant terms used in the Bill.

Section 6: Planning approval not required for certain METRONET works

Clause 13 of the Metropolitan Regional Scheme sets out the primary obligation to obtain development approval from the WA Planning Commission for development on land reserved under the Metropolitan Regional Scheme. Railways are reserved under the Metropolitan Regional Scheme. There are exceptions to clause 13 where reserved land is owned by or vested in a public authority. Section 6 of this Bill expands the exemptions from development control by specifically exempting METRONET works that involve the clearing of native vegetation on railway land in a Bush Forever area from WA Planning Commission Approval and by specifically exempting METRONET works on non-railway land from obtaining the approval of the WA Planning Commission.

Section 6 paragraph (a) of the Bill allows for METRONET works, being works for the purpose of or in connection with a METRONET railway that involve the clearing of native vegetation on railway land in a Bush Forever area, to be exempt from obtaining approval from the WA Planning Commission under the *Planning and Development Act 2005*.

The land required for METRONET works located within a Bush Forever area will remain environmentally sensitive areas and continue to be subject to environmental impact assessment and must satisfy land clearing requirements under the *Environment Protection Act 1986*. Clearing permits must be obtained before any METRONET works are commenced.

Section 6 paragraph (b) of the Bill also exempts METRONET works on non-railway land from obtaining WA Planning Commission approval. For example, works incidental to railway construction will be treated as a permitted development notwithstanding such works are carried out within land zoned for other purposes or otherwise reserved for a public purpose other than railways. Such works may involve “cut and cover” works to facilitate location of the railway line below ground level in the central city zone at Yanchep or drainage works and communications where these cannot fit into the relatively narrow railway reservation.

For the construction or alteration of a railway station, or any related car parks, public transport interchange facilities or associated means of pedestrian or vehicular access, the requirements under the Planning and Development Act and the Metropolitan region Scheme will apply.

Schedule 1 – Line of Thornlie Cockburn Link

Schedule 1 sets out the line of the proposed TCL railway.

Schedule 2 – Line of Yanchep Rail Extension

Schedule 2 sets out the line of the proposed YRE railway.