

RAILWAY (METRONET) BILL 2018

Committee

The Deputy Chair of Committees (Hon Dr Steve Thomas) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clause 1: Short title —

Hon TJORN SIBMA: I am interested in further clarification of remarks the minister made in his second reading speech, but I am not seeking to introduce any new debatable material. I am quoting, I believe, from the correct *Hansard* regarding the Yanchep line extension. I thank the minister for actually correcting me. I was operating on the misapprehension that the terminus of that line was in a Bush Forever zone. I know that not to be the case; nevertheless, the line transverses, I believe, a Bush Forever area. My concern has been with the timing and prioritisation of this extension, not that the extension should occur. I think we all agree that this is the logical extension of passenger rail in the northern corridor. My concerns remain that this is effectively a railway, without being pejorative, to nowhere for the moment. Yet I was somewhat reassured by, and seek a bit more clarification on, the claim that he made that he has worked, and continues to work, closely with the developers on this planning to ensure the best land-use transport outcomes. I seek a bit of clarification about what the government believes those best outcomes might be, considering at the moment this is virgin bushland.

Hon STEPHEN DAWSON: It is unique that the railway will be getting to this area before much of the population gets there. We want to make sure that communities in the north are created sustainably. By having the rail there first, we will be able to guide the development and the developers and ensure the area is built up sustainably and that there will be better jobs.

I refer the member to the Yanchep rail extension program documentation proposal tabled in Parliament in the last week or so. Page 17 of the document refers to the projected population growth in the localities that the extension will go through—Yanchep, Eglinton and Alkimos. The population in 2011 in Yanchep, for example, was 6 700. In 2021, the estimated population is 15 900 and the projected figure for 2031 is 103 000. In Eglinton, the population in 2011 was 500. In 2020–21, the projected population is 7 000 and in 2031 it is projected to be 30 900. In Alkimos–Butler, in 2011, the population was 11 600. In 2021, the projected population is 27 300 and in 2031 it is projected to be 40 600. We will go from a population of about 18 800 in 2011 to a projected population of 50 200 in 2020–21, and up to 170 500 projected in 2031. It is estimated that the population will grow substantially, but, essentially, we are getting ahead of the game by building the train line now. For reasons I gave in my second reading reply, it was partly because the previous government had commenced the work on both the Yanchep rail extension and the Thornlie–Cockburn link, so much of the work had been done on both those projects. We are taking that work and getting ahead of the game and building the train line because it is absolutely needed. As we have said previously, the government has a commitment to the expansion of the rail system into the future and we are looking at future projects. Hopefully, that answers the member's question.

Hon TJORN SIBMA: Thank you for that clarification, minister. It probably also arouses a degree of curiosity and a measure of scepticism about the validity of those forecasts. I presume the decision to press ahead, firstly, with this bill in order to enable effectively “break dirt” on this extension next year has found some foundation not only because this is the easiest bit of Metronet to deliver—I am not verballing the minister, but that was the interpretation I put on the minister's contribution yesterday —

Hon Stephen Dawson: It is not that it is the easiest, but it is certainly advanced in terms of the planning that has been undertaken.

Hon TJORN SIBMA: I thank the minister for that clarification. I think that is important. It was the aspect of Metronet that lent itself to more rapid delivery than perhaps the rest of the government's rather ambitious scheme. The minister quoted the most recent population figures—was it 2011 or 2015?

Hon Stephen Dawson: It was 2011.

Hon TJORN SIBMA: Would the minister happen to have more recent population figures for the catchment zone?

Hon STEPHEN DAWSON: No, we do not have those figures at hand. I am happy to give an undertaking to get those figures and bring them back to the chamber at a later stage.

Hon TJORN SIBMA: That would be particularly helpful. My problem is that the last dataset that we have validated effectively was at close to the peak, or maybe just after the peak broke, of capital resource investment and the construction boom in this jurisdiction, which was coincident with rapid population growth that had been building at pace for the prior seven or eight years. I can certainly understand a sensible argument put by various governments about the need to plan well in advance for the service requirements of communities, multiple decades in advance of where we are at any given time. Nevertheless, there is also a sensible argument to be made that any

government needs to prioritise investments, certainly investments of this scale. I am seeking to clarify whether the government still holds to those estimates of population at points 2021 and 2031? Are they under review in any way?

Hon STEPHEN DAWSON: I am advised that, yes, those figures are under review at the moment. Some work is about to be undertaken on data from the 2016 census. That will be fed into decisions. These are the figures the government uses at the moment. The state government's growth strategy, the "Perth and Peel@3.5million" document, estimates that the greater metropolitan population will increase from 2.02 million in 2017 to 3.5 million by 2050. These figures are attached to that document. Work is about to be undertaken to update the figures. That will happen over the next period of time.

Hon TJORN SIBMA: Thank you very much for that answer. At the point at which population data is assessed, I would also expect that new projections are taken from the most recent dataset and that the government will review population growth in this corridor at that point. How live is this? Would the government perchance reassess or review the rollout of Metronet if population data and projections somewhat come off the boil, which is what we have been led to believe from the minister's contribution to date?

Hon STEPHEN DAWSON: The government is committed to the delivery of Metronet. Although some work will be undertaken on the northern suburbs figures, there is no sense from government that the figures will have dramatically departed from the projected figures that are used in this document now. Our intention is clear: we are building this. Successive governments have supported both projects that are associated with this bill. I appreciate the member has already indicated that he is in support of the legislation. We do not believe there will be a dramatic departure. Although the figures might change, the commitment is to the time line we are working to for both projects.

Hon TJORN SIBMA: My intent here is certainly not to be tedious.

Hon Sue Ellery: You could be for five more minutes!

Hon TJORN SIBMA: Thank you for that charitable interjection, Leader of the House.

On what basis does the government calculate the projected catchment that would justify the economics of the proposition and no doubt then feed into future projections of the operating subsidy that will be required to finance this extension, and for what period? Can I get a sense of that technical calculation: how does the government calculate the future catchment as a function of projected population growth, or does it also base that on a number of other variables?

Hon STEPHEN DAWSON: I am advised that it is a function of population forecast growth. We take into consideration things like the location of employment. This feeds into modelling analysis. It has been undertaken by the Department of Planning, Lands and Heritage, which has worked with Treasury on this. Our figures and modelling are being assessed by Infrastructure Australia. My understanding is that its view of that should be released over the next few months. A great deal of work happens. It is quite a complex piece of work. All that work feeds into the modelling analysis that we are using and that Infrastructure Australia will rely on in its support or otherwise for a project.

Hon TJORN SIBMA: I am sure that a multifactor analysis goes into these calculations. I am curious about how robust that might be. Forgive me if the modelling methodology and hypotheses are already publicly available, but, if not, would the minister make that available or will we have to wait for a publicly available document or something published by Infrastructure Australia, presumably early next year?

Hon STEPHEN DAWSON: We believe the modelling is robust. Information such as land use population is already publicly available. Data is also available for the proposed patronage of the trains. That is available in the project definition plan document that I previously tabled. The detailed economics are not publicly available. We had to provide the detailed economics to Infrastructure Australia. The detail—the nitty-gritty—is not available but certainly lots of the figures are available in this document. It is a good read.

Hon TJORN SIBMA: I was anticipating a response along those lines. I quote an apocryphal adage; I think it was an ex-CEO at Procter and Gamble or one of the bigger American Fortune 500 companies who said, "In God we trust; others must bring data"! I just have not seen the data; I would be grateful to see it. I have developed an appetite for this line of inquiry, so my question is: the government's view on the tolerances—that is, the bandwidth with which these future patronage projections have been made—what is their margin of error? Are we talking five to 10 per cent?

Sitting suspended from 1.01 to 2.00 pm

Hon STEPHEN DAWSON: Hon Tjorn Sibma asked about population modelling before we adjourned. I will place these comments on the record. The north west metropolitan subregion is expected to accommodate a significant proportion of Perth's projected growth, with an anticipated extra 740 000 people in the area by 2050. The Yanchep–Two Rocks area alone is expected to accommodate two to three per cent of Australia's population growth over the next 35 to 40 years due to the availability of relatively affordable land and coastal living. Estimated population growth and supporting detail, including planned land-use patterns, residential densities and

employment targets, underpin the integrated transport modelling and economic analysis on which the business cases for these projects are based.

As noted on page 14 of the public project definition plan, the core benefit cost ratio for the Yanchep rail extension is 2.6. This means that for every dollar of investment made to build and operate the railway, the government anticipates \$2.60 of benefit to the community. With wider economic benefits, including improved land-use densities and development outcomes associated with the implementation of the project, the benefit cost ratio increases to 3.4, showing the transformational benefits of the project. Detailed sensitivity analysis undertaken as part of the business case and economic analysis demonstrates that even with a significant decrease in population growth and employment in the area around the rail extension, the core benefit cost ratio remains well above two.

Hon TJORN SIBMA: I thank the minister for furnishing me with that additional information. I was not aware that depending on the contingencies that the government evaluates, it has the potential of an uplift in its BCR from 2.6 to 3.4.

I have only two or three further questions to ask. My colleague is very interested in speaking. My question pertains just to this extension. My question prior to the adjournment, which I am not sure was covered in the minister's response, was: what variation has been factored into the various patronage projections? I may have misinterpreted the minister's response but I am interested in how sensitive those future patronage projections are and what potential cost impact that has for the operating expenses of this proposition.

Hon STEPHEN DAWSON: I am advised that we have been quite conservative with the figures that we have used for passenger numbers. When we undertook a sensitivity analysis, we were told that the operating expenses are not sensitive to a particular population drop. The member will be aware that we have spoken previously about Butler train station and that the figures we used were significantly overtaken soon after the station opened. We believe that the figures that we have are realistic. They are certainly very conservative. We are hopeful that we will get higher figures in that region soon after the stations open.

Hon TJORN SIBMA: I have some follow-up questions on that. I am attempting to understand the logic or the justification for building the stations. I understand that this bill permits construction of not only the line, but also the associated infrastructure, including three stations at Alkimos, Eglinton and Yanchep. I am attempting to understand the rationale for building those three stations simultaneously. I can appreciate the logic of futureproofing that corridor's transport infrastructure requirements. I understand that that could be facilitated if we moved the line incrementally northward one station at a time or, alternatively, moved that railhead straight up to Yanchep and then filled in the gap between Yanchep and Butler with stations at Eglinton and Alkimos. Can the minister explain, first of all, why the government has chosen to build three stations simultaneously? There may well be economies of scale that make it desirable to let out a contract to build all three, but I am also interested in the implications that has for the intended catchment and whether the government may be inadvertently diluting future patronage and making it more expensive to service. I will be grateful for the minister's response.

Hon STEPHEN DAWSON: I am advised that the member is correct. There are economies of scale in building three stations at the same time. Yanchep will be the biggest station and we anticipate that the area will have the largest population. Obviously, it is the furthestmost station on the line so it makes sense to build the other stations at the same time. If we were to build only the station at Yanchep and then come back at a future stage to build the other two stations, there would be additional costs associated with that. We would also have to put in place additional infrastructure, which we would have to pay for. There would be the potential for the people who use the train to Yanchep to have to use buses and whatever else if the new train station was being built in the middle. With the construction of Aubin Grove station—the most recently built train station on the Mandurah line—we saw significant interruption on the freeway and in that general locality. It makes sense to build the three stations at the same time, have them all in place and there, and it will save us money at the end of the day.

Hon TJORN SIBMA: I suppose the proof of that decision will be realised or not realised after the line is operational. My last area of focus pertains to whether the government has any expectations of landowners or significant developers who have land interests at or adjacent to the proposed three stations. Have any deeds or heads of agreement been entered into? I understand the development profile somewhat at Alkimos and the government's previous interest through LandCorp in getting that development off the ground, and I understand a little bit about Eglinton, but Yanchep is obviously a newer development. It is underdeveloped. The development that has occurred is adjacent to the coastline and somewhat to the south of the intersection of Yanchep Beach Road and Marmion Avenue. There is a district shopping centre there. I am curious whether the government has any expectations about when a future Yanchep town centre might be brought forward and whether there may be some other liabilities that the government might have to carry if a developer does not commit. The question is open-ended; I am just curious to know what agreements have been entered into.

Hon STEPHEN DAWSON: I am told that no agreements or deeds of agreement have been entered into with developers but that developers have intentionally left land clear around the proposed station area. Once we get on with it, they can start putting the infrastructure in place to make sure that we have a proper town centre.

Hon TIM CLIFFORD: I understand that Metronet is going to go some way in dealing with some of the issues of the demand for social housing, with private and social partnerships around some of the Metronet precincts. Have there been any expressions of interest or negotiations regarding either the Thornlie–Cockburn Link or the Yanchep rail extension for some of those developments, or is it still too early in the planning stages to say?

Hon STEPHEN DAWSON: No agreements have been entered into, honourable member, but the Department of Communities has a representative in the Metronet office. They are responsible for that work. There is a social and affordable housing package and, as the member would be aware, Metronet is more than just a train line. It is also about creating communities close to the train lines and creating opportunities for others, including those who are vulnerable or need social housing. Agreements have not been entered into but work has commenced.

Hon SIMON O'BRIEN: I am going to break with tradition at this point. Before anyone thinks that I have got all progressive or anything, the tradition I am going to break with is that I am going to address matters pertaining to the short title when we consider clause 1, which is something of a first for this chamber in the last 100 years! The short title is of interest to us. I thank the minister for those parts of his second reading response that dealt with it. I want to tease it out a little bit. He told us then, and I thank him for it, that the Jandakot–Mandurah railway was enabled by the 1999 act, which went through Parliament in that year but he said that there was never a rail enabling act to cover what I shall call the Jandakot–Thornlie link, which is proposed under this bill. The minister indicated in his second reading response to a question I had raised in the debate that the 1961 enabling act authorised, among other things, a standard-gauge railway along the corridor we are discussing. Back in those days—that is, 1999–2002—it was deemed to be sufficient to permit the construction of a passenger railway over that same standard-gauge freight corridor. I think I am faithfully paraphrasing the sense of the minister's response. However, he also advised us that legal advice had been sought about this matter. As I understand it from the minister's remarks, an indication was given that, in fact, there should now be this enabling bill to cover any narrow-gauge passenger rail line along the same corridor. I think I have faithfully repeated what he said. My first question is: if we need this bill now, does that mean that the original Thornlie extension was unlawful?

Hon STEPHEN DAWSON: The answer to that question is no, member.

Hon SIMON O'BRIEN: It is a great relief to know that former governments have not been behaving unlawfully, at least in that respect! Now we have a need for this act. It is real belt-and-braces stuff. Standard gauge is approved and narrow gauge will be approved and who knows what sort of gauge we might end up with in the future. The minister also told us that this has been called the Railway (METRONET) Bill 2018, whereas one might have expected it to be called the "Railway (Yanchep and Jandakot) Bill" or something like that to indicate where the relevant rail reserve will be. But he told us that this is part of the Metronet program and, what is more, in future, additional Metronet projects might be added as amendments to this legislation. Is there any precedent in the past for amending bills to amend a rail enabling act? It is a new one for me.

Hon STEPHEN DAWSON: I am advised that the answer is no, not that I am aware of.

Hon SIMON O'BRIEN: So this government is breaking new ground in this matter and I query why it is necessary to do so. On the one hand, in due course when all these Metronet rail projects roll out—I think that is the term used—we would expect a rail enabling bill to come to this place, as it would for any other bit of new rail. As it happens, we will still see a bill for just such a purpose come to this chamber, except it will be in an amending bill rather than its own principal piece of legislation. That conflicts with what I believe the minister said to us in his second reading response when he said—I am referring to the uncorrected *Hansard*—just after 5.54 pm yesterday —

A question was asked about why this is titled the Metronet bill and whether it is merely a branding exercise. No, it is not.

It seems to me that this is exactly what it is. It is a branding exercise. In the short title of the bill, every indication is that that is exactly what it is. Would the minister care to review his answer from last night?

Hon STEPHEN DAWSON: No, I would not. The member has correctly quoted the uncorrected *Hansard*. This is more than a branding exercise. As I indicated yesterday, the intent of the bill is to facilitate the delivery of railway projects that are in the government's Metronet plan. The bill is intended to be the legislative starting point to facilitate delivery of other Metronet rail projects, and as these projects are defined with more certainty, amendments will be sought to amend what will become the Railway (METRONET) Act 2018. Certainly, the advice is that there is no issue with the legality of the bill. It is simply a different approach. We have never had a committed package of railway projects like this before, I am told, so this bill is about setting the scene and giving us an act that can be amended over time to add more projects.

Hon SIMON O'BRIEN: I see that, happily, I am correct in all my assumptions so far, so I will have a stab at one or two more just to make sure that the minister and my colleagues and I remain joined at the hip as we proceed with this enabling legislation. Again, I quote —

A question was asked about why this is titled the Metronet bill and whether it is merely a branding exercise. No, it is not.

That is what the minister said, but now he has explained to me that it is not merely a branding exercise. He has just told us that it is more than that. I hope that the branding exercise in this was not done by the same person who brands the government's tourism exercises that we have seen of late, or one or two other exercises that we have seen about the town. But I must not digress. Now that we are creating this omnibus rail enabling act, which may or may not have other bits of rail added to it by amending bills in due course, what happens if the government wants to build another railway that is not part of the Metronet regime? Would it then be unlawful to put it into this legislation because the short title would not cover it, or would we then see a fresh standalone bill, as we normally would have seen over the past 100 years or so?

Hon STEPHEN DAWSON: I am told that we would obviously make sure that we are using the appropriate or the correct legal mechanisms to suit any future project. I am further advised that this is stage 1 of Metronet and it allows us to add projects into the future.

Hon SIMON O'BRIEN: This is stage 1. What is stage 2?

Hon STEPHEN DAWSON: It has not been worked out yet, member.

Hon SIMON O'BRIEN: I am sure that the government can wing it!

The government has made its case for the short title of the bill, and it is not a very good case, really. It sounds almost childish in its attitude. Perhaps that betrays some other mentality at work here, but I am sure that we will explore that in due course. Nonetheless, this is the appropriate legislation, and some of my colleagues over there in the Greens part of the world might have some questions to ask about a couple of later clauses. However, all in all, this seems to be—apart from the silly games being played with the short title—a perfectly good and valid bill to enable these welcome rail extensions. The opposition records its confidence in the Public Transport Authority as the enabling agency to bring this bill for government's consideration and to carry forward the actions that will then flow from it. With all that in mind, the opposition certainly supports clause 1.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Authority to construct Thornlie-Cockburn Link —

Hon SIMON O'BRIEN: This is the very important clause that provides the authority to construct the Thornlie-Cockburn Link. That was the name that I was struggling for a minute ago; it has been characterised as the Thornlie-Cockburn Link. This seems to be the time to ask some questions that I know Hon Jim Chown is interested in. What are the key dates for the commencement and completion of this line?

Hon STEPHEN DAWSON: I am told that procurement for both lines has commenced throughout the market at the moment. But for the Thornlie-Cockburn Link, procurement is expected to take up to 12 months, with construction beginning in 2019. The major contract will be awarded in that year and it is anticipated that construction will start next year. During the procurement and detailed design stage, the contractor will be requested to optimise their construction methods and strive to achieve the government's target completion date in 2021. We are out in the market at the moment.

Hon Simon O'Brien: When in 2021?

Hon STEPHEN DAWSON: We do not have a date, it is just that year. It will probably take a couple of years and it probably would be later that year. We are striving for it to be completed by that year.

Hon Simon O'Brien: What is the document that the minister is relying on?

Hon STEPHEN DAWSON: This is the June 2018 "Thornlie-Cockburn Link: Project Definition Plan" that I tabled in this place last week in response to some questions on both the Thornlie-Cockburn Link and the Yanchep rail extension.

Hon SIMON O'BRIEN: I am not proposing to have a lengthy examination of these clauses. I have a sense of *deja vu*, having taken a few rail bills through this house myself over a time, but it is important that we get some basics into *Hansard*, because it is the parliamentary record. If there is anything that has already been referred to in the public domain, I am not trying to be tiresome; it is just a matter of getting those several key points down. I know the minister does not mind.

Hon Stephen Dawson: I am very happy for the member to ask these questions.

Hon SIMON O'BRIEN: The other question is one that has been asked before, but it is probably helpful to ask it again now, particularly for the benefit of members who may not have seen a rail enabling bill go forward, but also for the record. It will be a fairly germane question as we get to a couple of later clauses. What will the width of the rail corridor be? We know it will go from point A, over a certain general route, to point B, as set out in schedule 1 and for which we have a map that has been provided by the government as well. It is important that we contemplate the question of how wide the corridor will be. It is certainly a lot wider than a rail sleeper, obviously, and it has to allow for certain flexibility when it comes to its practical construction. Once he has sought advice, the minister might like to articulate and perhaps briefly discuss that point.

Hon STEPHEN DAWSON: I am told that the width of the Thornlie–Cockburn Link will be approximately 40 metres, and the average for both lines is 40 metres. The corridor does obviously expand around a train station, so where there will be a station, the corridor will expand, but the main track will be approximately 40 metres wide.

Hon Simon O'Brien: That will be the width, ultimately—that is understood—but what about the flexibility in the route if, for some engineering reason, it has to move 50 or 100 metres to the left or something?

Hon STEPHEN DAWSON: I am told that because the Thornlie–Cockburn line is already developed, that 40 metres will remain the width for the duration of the link.

Hon SIMON O'BRIEN: Perhaps I could ask a further question; maybe I have not asked it clearly enough. I do not think that that 40 metres, give or take, is written down anywhere in the bill, but the schedule, as we will see when we come to it, states that it will start at a certain point and proceed in a generally south-westerly direction for 17.5 kilometres. Although we have lines on a map that show the indicative route, and the reality is that we are constrained where this is going to be built anyway by the surrounding land uses and the freight line that is already there, and it will be widened a bit, I ask the general question that relates to rail enabling bills of how wide is the corridor, notionally? I do not know whether it is laid down in some ancient parenting act from 1906 or anything, but the house would probably like to know how much flexibility is in the general description.

Hon STEPHEN DAWSON: We are trying to find that information for the member. My understanding is that the Public Works Act allows for a deviation of up to 1.6 kilometres. We are trying to find that exact information for the member; we do not have it in front of us now. Certainly, the project definition plan, the document that was issued in June this year that I previously tabled, illustrates the corridor being between 30 and 40 metres in width for the Thornlie–Cockburn Link. Page 22 of that document states —

From here the route will continue in the roughly 30 to 40 metre wide rail corridor running south-west ... That is in the document. We think section 96 of the Public Works Act 1902 allows for the deviation that I referred to.

Hon Simon O'Brien: Has the minister got a spare copy of the policy?

Hon STEPHEN DAWSON: The PDP?

Hon Simon O'Brien: Could he autograph it before it comes?

Hon STEPHEN DAWSON: I could afterwards.

Hon SIMON O'BRIEN: Thank you very much. As I have already indicated for clause 3, which deals with the Thornlie–Cockburn Link, the rail corridor is so well established that the new passenger line and its corridor is virtually dictated by that. For members who are not familiar with the district, any examination of the map—in fact, a photo map—clearly shows that adjacent land use will restrict where it is going to go, unless it will deviate a bit and replace Roe stage 7 with the rail line or something like that. But I am sure the government would not do anything as silly as that, even though the government does not like Roe Highway.

Hon Alannah MacTiernan: You didn't back in 2001.

Hon SIMON O'BRIEN: No, I remained to be convinced of it, oh rewriter of history with her helpful interjection!

The DEPUTY CHAIR: Order, members!

Hon SIMON O'BRIEN: Mr Chair, I apologise for waking up the Minister for Environment's colleague. It will not happen again because it will not facilitate things.

Several members interjected.

Hon SIMON O'BRIEN: What?

The DEPUTY CHAIR: Members, we are dealing with the Railway (METRONET) Bill 2018.

Hon SIMON O'BRIEN: Sorry, I thought there might have been an unruly interjection that somebody might have wanted me to pursue. But if there is not, I will not.

The DEPUTY CHAIR: No, we are dealing with the Railway (METRONET) Bill 2018, if you do not mind.

Hon SIMON O'BRIEN: I thank the minister for that. I think he is right; the old mile was the deviation.

Hon STEPHEN DAWSON: We have now found it. It is, in fact, section 96 of the Public Works Act 1902, which is headed “Railways to be made only under special Act”. Subsection (1) reads —

Every railway shall be made only under the authority of a special Act which shall state as nearly as may be the line of the railway and the 2 termini thereof; but it shall be lawful to deviate from such line at a distance of 1.6 kilometres on either side thereof, or such other distance as may be provided in any special Act.

Noting it is in that act, I dare say that the member is correct. It was probably a mile originally but it has been amended over the years. That is how it stands in the act now.

Hon SIMON O'BRIEN: By going from one mile to 1.6 kilometres, the government will lose nine metres. It has been ripped off by the Metric Conversion Board in this case, but I do not think it will be of material importance on this occasion. Oh yes—old section 96 of the Public Works Act 1902! In case members are not immediately familiar with it, I thank the minister for refreshing our collective memory. One mile or 1.6 kilometres seems like very wide scope for deviation, but when one contemplates the sort of railways that were being built in Western Australia in and from 1902, they were very significantly the main means of transport and communication through the non-metropolitan area and a very important feature of Western Australia's development. They were there and, of course, out in the regional and remote areas of Western Australia, a mile was not a very large point of deviation for the engineers who were confronted with the outback in the early days. How does this relate to this bill? I do not think we need further explanation about clause 3, but to finish off my point, I notice that there are other provisions that relate to the Yanchep rail extension and there may be some other issues there because that is, to some extent, I think, slightly more virgin territory than exists in the Cockburn–Thornlie area. Perhaps members may wish to explore some of the latter clauses with that consideration in mind, but that is up to them. I support clause 3.

Clause put and passed.

Clause 4: Authority to construct Yanchep Rail Extension —

Hon SIMON O'BRIEN: The opposition obviously supports clause 4, which deals with what is to be called the Yanchep rail extension, which, according to schedule 2, takes it from a point 130 metres north of the existing Butler station and proceeds in a generally north-westerly direction for a distance of 14.5 kilometres to a point that is approximately 2 800 metres north of the intersection of Marmion Avenue and Yanchep Beach Road, Yanchep. For members who, like me, are not immediately familiar with that area, the map provided by the Public Transport Authority is very useful in telling us where that is. This clause relates to section 96 of the Public Works Act 1902, a provision with which the minister is familiar. Is there any likelihood of greater deviation on this line than that expected on the other line?

Hon STEPHEN DAWSON: We do not anticipate any deviation. In fact, the “Yanchep Rail Extension: Project Definition Plan: June 2018” refers to the extension being 40 metres wide. We do not anticipate there being any deviation. Notwithstanding that, we will be traversing through a Bush Forever site. The Environmental Protection Authority is assessing the project at the moment. Certainly, we will make every effort to minimise the impact on that Bush Forever site, including considering an alignment along the edge of the area. It is a very different landscape but we certainly believe the corridor will be of a similar size.

Hon SIMON O'BRIEN: I anticipate that it would be of a similar size because it has a similar purpose and hardware. There are places at which it will be substantially wider than 40 metres, such as, of course, when the line reaches a railway station. It is not only the size of the station, but also the surrounding activity. I refer, for example, to parking, which could impact on quite a large area in terms of linear metreage in width. Intrinsicly, part of a rail enabling bill is the inclusion and construction or alteration of railway stations, related car parks, public transport interchange facilities and the associated means of pedestrian or vehicular access. With that in mind, I frame my question in this way: for the benefit of the chamber, are the land uses contemplated already available under the metropolitan region scheme or, to a larger extent, will this bill provide the head of steam to enable those other related developments?

Hon STEPHEN DAWSON: I am told that most of the provisions are within the MRS for other people's projects. We may need to do some minor tweaks of the MRS post-project.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Planning approval not required for certain METRONET works —

Hon SIMON O'BRIEN: Clause 6 contains this brief provision —

Despite anything in the Metropolitan Region Scheme, the following development may be commenced or carried out without the approval of the Planning Commission —

- (a) METRONET works that involve the clearing of native vegetation on railway land in a Bush Forever area;
- (b) METRONET works on non-railway land.

How does this provision compare with previous rail enabling legislation? Is it a new element?

Hon STEPHEN DAWSON: I am told it is a new provision. We have not had anything like this before.

Hon SIMON O'BRIEN: In that case, apart from the black-and-white language that I have just read out, what are the implications that might arise from having this provision? Why is it necessary now if it has not been necessary in the past?

Hon STEPHEN DAWSON: Again, honourable member, I quote from the explanatory memorandum accompanying this bill —

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 ... 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.

To be clear, although exemptions are being sought from obtaining WAPC approval largely for works associated with the rail corridor itself, this does not exempt necessary approvals being sought from key authorities, including all environmental approvals required under applicable state and federal legislation, as well as development approvals for train stations and associated facilities, including car parking and bus interchanges, from the appropriate planning authorities. The reason these exemptions are being sought is that the Department of Planning, Lands and Heritage, WAPC and the relevant local government authorities have been closely involved in the long-term planning and development of these project proposals, including the identified alignments and station locations. Given that for the most part these projects will be constructed in land that is already appropriately zoned for railways in the metropolitan region scheme, the exemptions sought in this bill are intended to streamline what are considered unnecessary project approvals and reduce administrative red tape, given the frameworks and agreements already in place.

Hon SIMON O'BRIEN: With all that in mind, how long will the process just described take for the Metronet works that will be involved or are likely to be involved in clearing native vegetation on railway land in a Bush Forever area? I understand there are some statutory periods involved.

Hon STEPHEN DAWSON: I am advised we are estimating up to about 12 months—so 12 months from now.

Clause put and passed.

Schedules 1 and 2 put and passed.

Title put and passed.

Report

Extract from *Hansard*

[COUNCIL — Thursday, 8 November 2018]

p8014c-8022a

Hon Tjorn Sibma; Hon Stephen Dawson; Hon Tim Clifford; Hon Simon O'Brien

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Stephen Dawson (Minister for Environment)**, and passed.