

Date

February, 2015

Issue:

Buffer Zone- Bill deferred due to developer appeal

KIC Position and Key Messages

- The SAT found unequivocally on all four counts in favour of the industry position that there should be no residential development inside the Buffer Zone
- The developer is appealing the findings of the SAT, and is taking the appeal to the Supreme Court
- Last year the State government Cabinet approved the WTCIPZ (Western Trade Coast Industry Protection Zone) draft legislation to be read into the Parliament
- Industry expected this to occur late last year, but it was delayed until the outcome of the SAT decision
- Last week KIC was advised by WTC Chairman Phil Edman that as the matter was before the courts, the passing of the new legislation was indefinitely delayed
- Whether or not the developer is successful in its appeal, the facts remain that there should be no residential development in the buffer. This was accepted by the SAT as a result of the process of hearing the evidence of the scientists and environmental consultants
- KIC believes the appeal by the developer is simply a strategy to extend the time for a decision closer to the next State election

Background information

For 16 years the KIC has been trying to get the State's planners to strengthen the Buffer Zone in an effort to prevent future residential development encroaching industry borders. In addition, KIC has maintained its fight towards a comprehensive Buffer Zone to protect the air quality buffer from pressure to shrink its 'boundary' back towards industry.

The Buffer Zone is constantly under attack from some property developers and some local governments because the current planning rules protecting the area remain open to challenge.

Whilst the buffer boundary has been in place for some time, it has never technically had legal status, and whilst its original purpose has been informally expanded to include noise etc, there remains no legal status for this. This means that the outer edge of the Buffer Zone is susceptible to pressure from newly proposed residential development in the future.

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KIC gained support from the State Government in 2013, when it announced plans to legislate the Kwinana Industries Buffer Zone, known as The Western Trade Coast Industry Protection Zone (WTCIC) Bill. The WTCIPZ Bill was expected to be read into Parliament early in 2015 following its approval by the Cabinet in late 2014.

For more than a year KIC, supported by the Western Trade Coast Industries Committee (WTCIC) have lobbied the Government to legislate the Buffer Zone to help secure major industry from residential encroachment. However, it has been a controversial year since the WTCIC Bill was announced and not all parties have shown their support towards the State Government's plans to legislate the Buffer Zone. The announcement sparked recent dispute from some property developers who own land partially within the buffer zone.

A positive step for KIC and the Western Trade Coast Industries Committee (WTCIC) was recognised late last year after the State Administrative Tribunal made the decision to recommend refusal of two subdivision applications within the buffer zone to the Minister for Planning.

Contact

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