

Date:

November 2015

Issue:

Western Trade Coast Protection Area Legislation – Public Comment Period

The State Government has released for public comment plans to formalise a Protection Area defining Western Australia's premier industrial zone – the Western Trade Coast.

The legislation – Planning and Development Legislation Amendment (Western Trade Coast Protection Area) Bill 2015 – will resolve ongoing uncertainties for land owners and industry, and avoid future land use conflicts arising from encroaching residential development into the industrial area.

The legislation will define the boundaries of the Protection Area in law, together with a list of prohibited (sensitive) land uses.

Submissions can be sent to westertradecoast@dsw.wa.gov.au by **Friday 4 December 2015**.

For more information and to view the draft legislation visit the Department of State Development website: <http://www.dsw.wa.gov.au/western-trade-coast>

Background

Protection of the industrial area from residential encroachment has been the KIC's number one strategic issue for several years.

Residential property developers have a number of proposed structure plans containing residential housing that seek to encroach into the designated industrial area. The legislation will end the opportunity for residential encroachment once and for all, giving industry and residential property developers the certainty they need to plan future development in the area.

On 21 October 2015, the draft of the Planning and Development Legislation Amendment (Western Trade Coast Protection Area) Bill was tabled in the Parliament by the Premier / State Development Minister Colin Barnett for a six week consultation period.

Once the public comment period has closed on Friday 4 December, the Department of State Development and the Department of Planning will prepare a schedule of the submissions for their respective Ministers for consideration and further direction. As the last sitting day of Parliament is Thursday 26 November, it is anticipated the Bill will be introduced into Parliament early in 2016. The first sitting day in 2016 is Tuesday 16 February.

The proposed Protection Area is based on the Kwinana Industrial (including Air Quality) Buffer Boundary, which was endorsed by the Western Australian Planning Commission in 2010, following extensive consultation, planning-based analysis and scientific investigation.

KIC Key Messages

- The Kwinana Industries Council (KIC) welcomes the State Government's proposed legislation to formalise protection of the Western Trade Coast from sensitive land use (residential) encroachment.
- The science demonstrates that sensitive land uses should not be subject to development application within the Protection Area. Sensitive land uses include residential housing, aged care facilities, schools and child care centres.
- The role of the government is to ensure that pregnant women, young children and the aged are not located in areas where their health or amenity may be adversely affected.
- Industry is concerned that if a strong Protection Area is not in place, local employment and business opportunities will suffer.
- Without strong separation, new companies are less likely to set up within the Western Trade Coast, so new jobs and business opportunities will not be created.
- KIC members appreciate the efforts of the government to create the legislation. It is hoped the Protection Area Bill will be read in to Parliament this year.
- The legislation is a strong and important planning tool that will help protect WA's premier industrial area and future residents from new land-use conflicts.

Make a Submission

Submissions from land-owners, businesses and other stakeholders will help to determine the boundaries of the Protection Area and the final list of prohibited land uses under the proposed regulations.

Interested parties are invited to submit their comments to the Department of State Development by Friday 4 December 2015. Submissions can be sent to westerntradecoast@dsd.wa.gov.au

For more information and to view the draft legislation please visit the DSD website:
<http://www.dsd.wa.gov.au/western-trade-coast>

Please see Appendix A for facts about the Western Trade Coast you may wish to include in your submission.

Additional Resources

- KIC media release - [Buffer Legislation Welcomed](#)
- Government of Western Australia media release - [Protection for Perth's major industrial area](#)

Contact Chris Oughton, Director KIC, tel: 9419 1855, email: admin@kic.org.au

APPENDIX A

Facts about the Western Trade Coast

You may like to include some of these points in your submission.

Protect current and future jobs

The legislation will provide certainty regarding direct and indirect employment for more than 30,000 Western Australians. The WTC Protection Area will protect the long-term viability of industry, and therefore jobs, in the area.

- The Kwinana Industrial Area within the Western Trade Coast hosts Australia's biggest oil refinery, the biggest grain export terminal in the southern hemisphere, it is the gateway for the export of alumina from the State's three alumina refineries, its water desalination plant produces 20% of Perth's water supply, most of the State's agricultural and mining chemicals and fertilisers are manufactured there.
- The main companies within the KIA include Cockburn Cement, Alcoa, BP, Coogee Chemicals, Tronox, CSBP, BHP Billiton Nickel West and CBH. It also includes three substantial government enterprises – Synergy, Water Corporation and Fremantle Ports.
- With a legislated Protection Area comes certainty. Expanding and start-up industries will provide employment and economic growth. The WAPC's draft South Metropolitan Peel Sub-regional Planning Framework is planning for an additional 750,000 people living in the south-west corridor. They will need jobs. There is ample vacant industrial land in the Western Trade Coast to facilitate these future jobs provided the area is protected from sensitive land use (especially residential) encroachment.

Encourage economic growth

The legislation will protect existing industrial land and future industrial development from encroaching non-industrial land uses. This clarity and certainty to land use planning will help encourage future investment within WTC.

- Business activities within the Western Trade Coast are a major contributor to the success of the WA economy, generating more than \$15 billion in export products each year. The region accounts for more than 2% of Gross State Product, contributing over a third of all value-added products from WA's manufacturing sector.
- The KIA is the often-cited example of world's best practice for its industrial synergies, with excellent sea, road and rail infrastructure, and a world class buffer zone. The next important step in securing the industrial area is the legislation which will provide protection from residential encroachment. Residential encroachment is the biggest single threat to industry's sustainability.

- Within the next 10 years, it is likely the Port of Fremantle's Outer Harbour at Cockburn Sound will be built. This will be a catalytic project, sparking massive industrial development ranging from heavy chemical, refining and manufacturing. The many new support industries required to service them will be located toward the edge of the WTC boundary within the Protection Area.
- The Protection Area will be a signal to big business that the industrial region is a secure place for their investments.

Maintain healthy communities

The legislation will ensure sensitive land uses such as residential housing, aged care facilities, schools, hospitals and child care centres are not built within an industrial zone. The legislation will help secure the amenity of the local community by providing a clear buffer between industrial and residential land use.

- The legislation is a fundamental tool in protecting Western Australia's premier industrial area and future residents from land-use conflicts.
- The case of Cockburn Cement, which had been operating in Munster since 1953, is often highlighted as an example of residential encroachment creating conflict between incompatible land uses. Residential encroachment on Cockburn Cement's operations has led to community claims of health problems and amenity issues from dust and odour leading to a Parliamentary inquiry in 2011. The Parliamentary findings acknowledged that 'the Kwinana Air Quality Buffer has not been well implemented.'
- The intent of the legislation is consistent with a number of overarching State Government planning policies, notably *Directions 2031* (August 2010) and the *Economic and Employment Lands Strategy: non-heavy industrial: Perth metropolitan and Peel regions* (April 2012) which both emphasise the need to ensure sustainable employment opportunities close to where people live and to protect buffer zones surrounding established industrial areas.
- It is critical the expanding residential population along Perth's southern corridor has on its doorstep Western Australia's premier industrial area and that the employment and business opportunities in this area are maximised for generations to come. The sustainability of Perth as a liveable and viable growing city depends on this important piece of legislation in its current format.

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