

**Land use changes affecting Kwinana  
Environmental Protection Policy Buffer - MRS  
Amendment No 939/33A**

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**M Mihaljevich, P & S Hilliard, D & N Marinovich, A & C Carcione**

**Report and recommendations  
of the Environmental Protection Authority**

**Environmental Protection Authority  
Perth, Western Australia  
Bulletin 755  
September 1994**

#### THE PURPOSE OF THIS REPORT

This report contains the Environmental Protection Authority's environmental assessment and recommendations to the Minister for the Environment on the environmental acceptability of the proposal.

Immediately following the release of the report there is a 14-day period when anyone may appeal to the Minister against the Environmental Protection Authority's report.

After the appeal period, and determination of any appeals, the Minister consults with the other relevant ministers and agencies and then issues his decision about whether the proposal may or may not proceed. The Minister also announces the legally binding environmental conditions which might apply to any approval.

#### APPEALS

If you disagree with any of the contents of the assessment report or recommendations you may appeal in writing to the Minister for the Environment outlining the environmental reasons for your concern and enclosing the appeal fee of \$10.

It is important that you clearly indicate the part of the report you disagree with and the reasons for your concern so that the grounds of your appeal can be properly considered by the Minister for the Environment.

#### ADDRESS

Hon Minister for the Environment  
12th Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

#### CLOSING DATE

Your appeal (with the \$10 fee) must reach the Minister's office no later than 5.00 pm on 23 September 1994.

### **Environmental Impact Assessment (EIA) Process Timelines in weeks**

<b>Date</b>	<b>Timeline commences from receipt of full details of proposal by proponent</b>	<b>Time (weeks)</b>
17/5/94	Proponent Document Released for Public Comment	4
27/6/94	Public Comment Period Closed	
7/9/94	EPA reported to the Minister for the Environment	

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# **1. Introduction and proposal description**

In November 1993 the State Planning Commission advised the Environmental Protection Authority of the proposed Metropolitan Region Scheme Amendment No 939/33A to rezone land bounded by Beeliar Drive, Stock Road, Frobisher Avenue and Fawcett Road, Munster in the City of Cockburn. This proposal is hereinafter referred to as the Munster Amendment.

A Consultative Environmental Review level of assessment was set on the Munster Amendment because it zoned as Urban or Urban Deferred areas identified in System 6 Recommendation M 92 (See Environmental Protection Authority, 1983), areas which would be affected by odours from the Woodman Point Waste Water Treatment Plant, areas within Policy area B of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 and because of concerns about the potential impacts to wetlands in the area from water quality and quantity changes typically associated with urbanisation.

Events following the setting of the level of assessment involving legal difficulties lead to consideration of the Munster Amendment being split into two parts. It was split into a Consultative Environmental Review for the portion of the amendment proposing 'Urban Deferred' zoning within the area affected by the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 nominating the four land-holders in this area as proponents and informal advice for the remainder of the amendment. A copy of the informal advice is provided in Appendix 1.

The Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 specifies air quality objectives, which in Policy Area B are less than considered acceptable for urban residential development.

This report considers only those lots affected by the Munster Amendment which are all or partly within Policy Area B of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 as shown in Figure 1.

## **2. Environmental impact assessment method**

It was decided to adopt an expedited assessment method for this proposal. Under the Environmental Protection Act (Section 40 (3)), the Environmental Protection Authority may determine the form, content, timing and procedure of any environmental review.

The decision to have an expedited assessment - which did not include preparation of documentation by the proponents - was based on the following factors;

- the issues associated with urbanisation within Area B of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 area are well known; namely;
  - the impact that air quality may have on future residents within the buffer set by the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992; and
  - maintenance of the integrity of the buffer established by Environmental Protection Policy.
- the four land-holders nominated as proponents were affected by a proposal which they supported but did not initiate; and
- there is no relationship between the four land-holders (e.g. such as a company).

The expedited assessment consisted of sending letters seeking submissions to persons or organisations with an interest in the proposal. Appendix 2 is a copy of the mailing list and the letters sent. This resulted in 10 submissions, which are summarised in Appendix 3. Appendix 4 reproduces three key submissions which were not summarised. The list of submitters appears in Appendix 5.

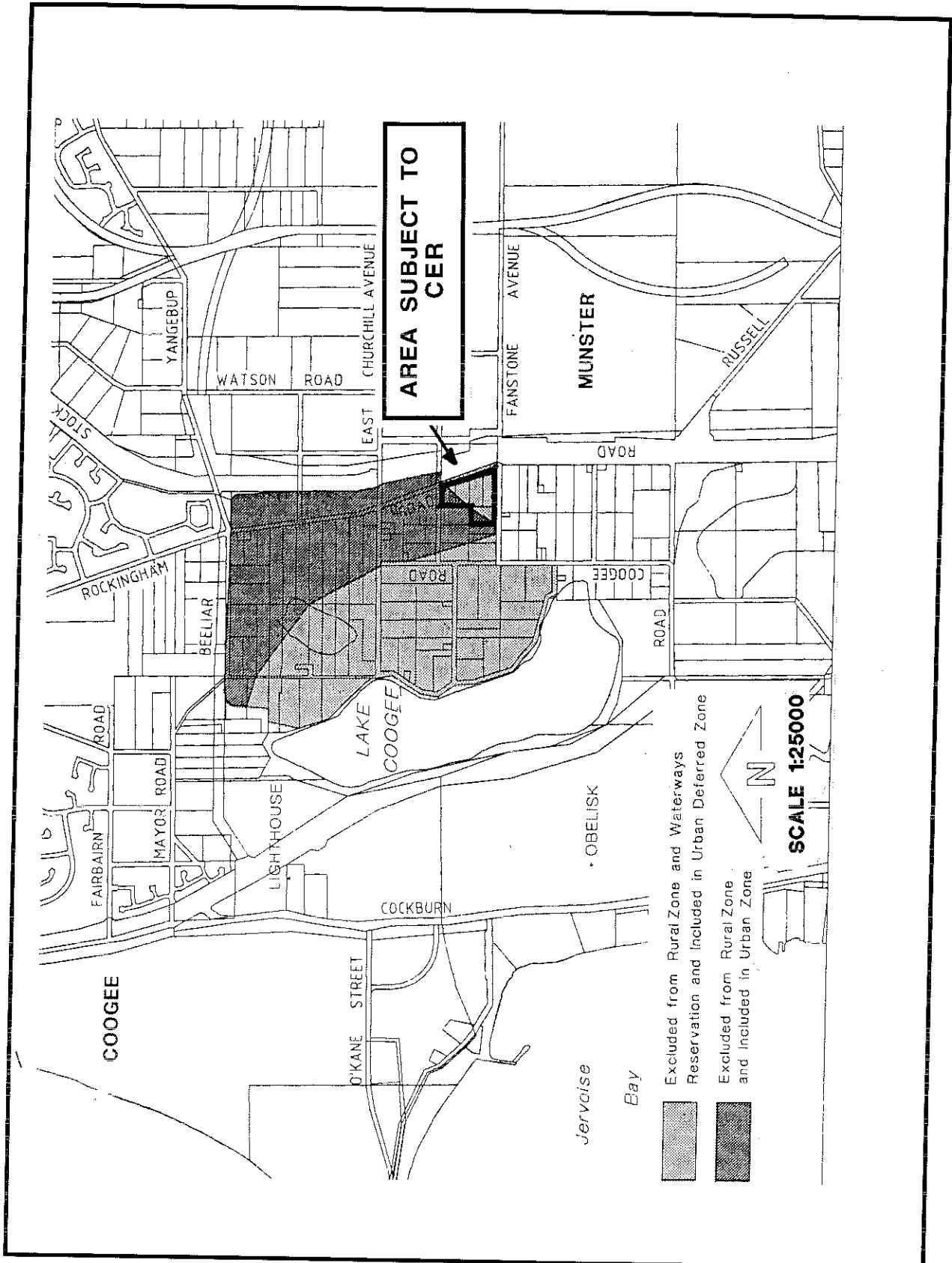


Figure 1. Area of Munster Amendment subject to the Consultative Environmental Review (Informal advice was provided for the remainder of the Munster Amendment).

Officers of the Department of Environmental Protection have met with officers of the Department of Planning and Urban Development to discuss this proposals on several occasions.

#### Limitation

This evaluation has been undertaken using information currently available. The information has been provided by Department of Environmental Protection officers utilising their own expertise and reference material, by utilising expertise and information from other State government agencies, and by contributions from Environmental Protection Authority members.

The Environmental Protection Authority recognises that further studies and research may affect the conclusions.

### **3. Key environmental issue and the allocation of land use**

#### **3.1 Urban zoning in Environmental Protection (Kwinana) (Atmospheric Wastes) Policy Area.**

##### Objective

To ensure that people do not reside in areas which have air quality less than that considered acceptable by the World Health Organisation and the National Health and Medical Research Council by ensuring that only appropriate land uses occur in Policy Area B of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992;

To ensure that established industry which is of strategic importance to Western Australia is protected from encroaching residential development which could affect the on-going operations of the industry operating in an environmentally responsible manner.

##### Evaluation framework

The following documents which provide relevant information are noted below;

- Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 and EPA Bulletin 644, 1992 which explains the basis for standards set under the Regulations.
- EPA Bulletin 723, 1992 - *Sustainable development and the Kwinana Industrial Area*.
- Draft Kwinana Industrial Area Protection Policy published by the State Planning Commission.
- *Metropolitan Region Town Planning Scheme Act 1959*, *Town Planning and Development Act 1928* and Metropolitan Region Scheme Text.

##### Policy framework

###### *Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992*

The Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 has the force of law and was approved and gazetted by the Minister for the Environment on 17 July 1992 in the Government Gazette of that date.

In brief the Order;

- identifies the area covered by the policy and three regions (Areas A, B & C) within that area;

- establishes through associated regulations the air quality objectives for sulphur dioxide and particulates;
- provides opportunity for the Chief Executive Officer to consider and include other pollutants at later dates;
- allows the Environmental Protection Authority to establish a procedure for determining and applying limits on the emissions from each industrial source so that the cumulative impact of all these emissions does not exceed the air quality objectives; and
- requires the industries to monitor pollutant levels at various locations in the environment (additional to the Department of Environmental Protection ongoing monitoring programme) and also to monitor emissions from the various industrial sources so that the achievement of the policy objectives can be both verified and enforced.

Figure 2 shows the area covered by the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992.

Three local government authorities are included within this area.

The policy areas relevant to this proposal are Area B and Area C.

The air quality standards set by the Regulations resulted from a review of international literature and consideration of the historical development of Kwinana and as detailed in EPA Bulletin 644. The World Health Organisation and National Health and Medical Research Council guidelines have been used in setting regulations for sulphur dioxide.

One difference between Area C and Area B can be illustrated using sulphur dioxide. Sulphur dioxide is readily absorbed in the upper respiratory system and, at high concentrations causes acute bronchoconstriction and related effects. Individual sensitivity to sulphur dioxide varies over a wide range, with some asthmatics being particularly susceptible to respiratory effects at quite low concentrations. The criteria set by health authorities may not protect every single asthmatic but would ensure the majority of the population does not suffer adverse health effects at the criteria specified. In Area C, the sulphur dioxide levels are considered acceptable by health authorities for residential purposes. However, in Area B people sensitive to sulphur dioxide may have to move to areas with lower sulphur dioxide concentrations to escape short or potential long-term adverse respiratory effects. In Area B this would effect enough of the population to be of concern to health authorities.

On this basis, use of land within Area B for residential purposes or purposes which compel people to stay in the area (e.g. schools) would be unacceptable.

#### *Sustainable development in the Kwinana Industrial Area*

The option of re-aligning the line between Area B and Area C shown in the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 in order to overcome perceived air quality constraints by industry was considered by the Environmental Protection Authority (See EPA Bulletin 723, 1993) in its response to the Towards Optimising Kwinana report published by the Kwinana Industries Coordinating Committee in 1993.

In Environmental Protection Authority Bulletin 723, Areas A, B & C of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 were labelled for Industry, Buffer and Rural/Residential respectively.

In considering the issue of buffer zones the Environmental Protection Authority stated:

The buffer zone is a long term planning measure to protect residential areas from industrial emissions and risk whilst also protecting the strategically important industrial area from encroaching residential development. Buffer zones are designed to control infrequent, uncontrolled and unwanted emissions originating from core industry area(s).

and also stated that:

**The Environmental Protection Authority therefore opposes the expansion or contraction of buffer zones in response to development pressures either side.**

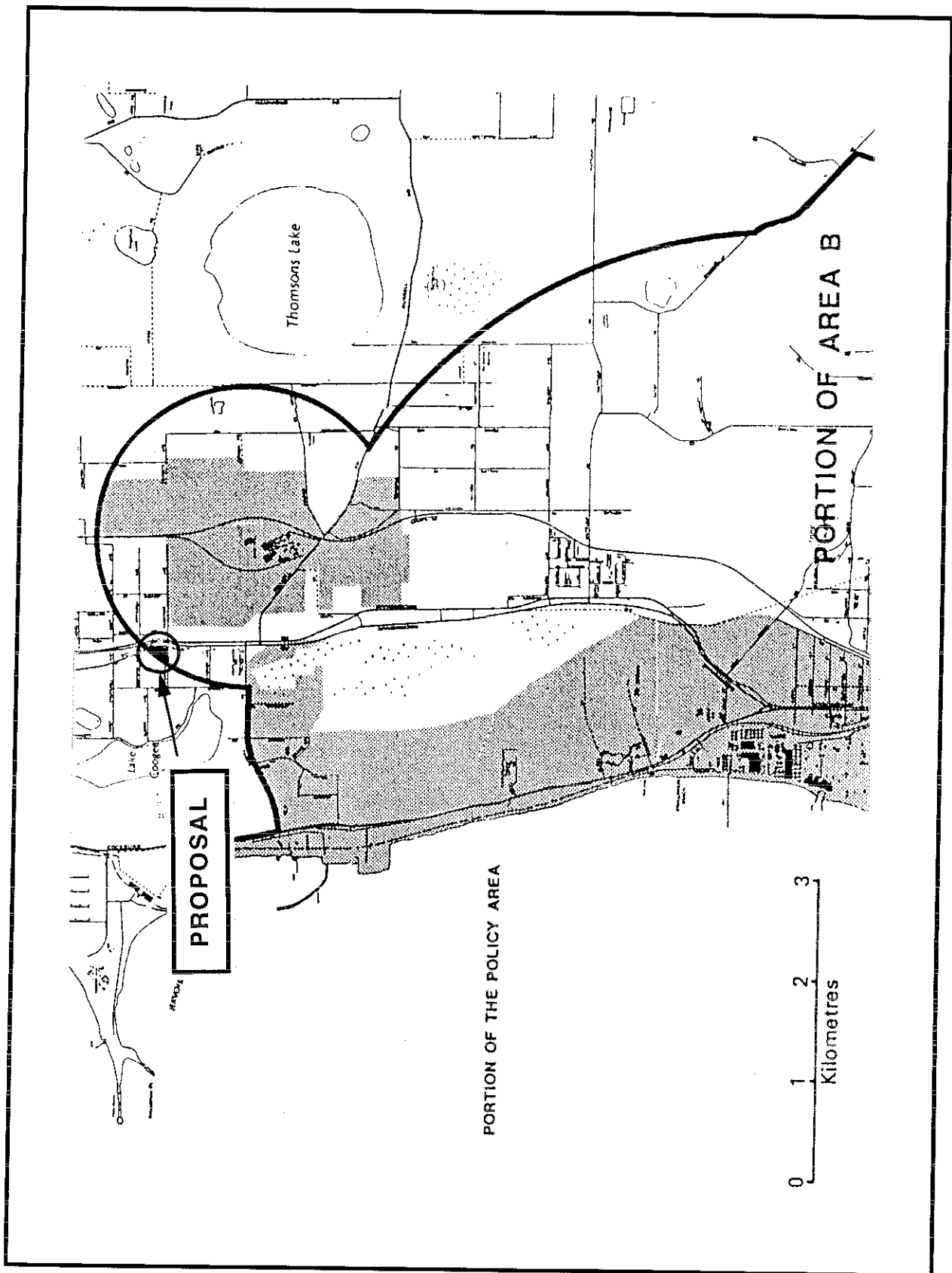


Figure 2. Area affected by Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 .



## Planning framework

### *Draft Kwinana Industrial Area Protection Policy*

The Draft Kwinana Industrial Area Protection Policy was released for public comment by the State Planning Commission in September 1992 for a eight week public review period. The (then) Environmental Protection Authority forwarded a submission on the Policy to the State Planning Commission.

A copy of the Draft Kwinana Industrial Area Protection Policy is provided in Appendix 5. The Environmental Protection Authority understands that it is intended to finalise the Policy and include it in the State Planning Commission Development Control (Including Subdivision) Policy Manual. These policies have no legislative base but the State Planning Commission has regard for the policies in the Policy Manual when considering planning applications.

The Environmental Protection Authority understands that finalisation of the Kwinana Industrial Area Protection Policy is likely in the next few months.

Of particular relevance to this proposal is Section 4.2 of the Draft Kwinana Industrial Area Protection Policy which applies to Area B. This section describes land uses which would be considered favourably, land-uses for which there is a general presumption in favour of, and notes a general presumption against subdivision or rezoning which has the potential to attract a greater concentration of people.

Section 4.2.5 is particularly relevant and is quoted in full below, with key points highlighted in bold.

4.2.5 There is a general **presumption against the rezoning** of land **for purposes which have the potential to attract a greater concentration of people** to the subject land, particularly from outside the policy area, than permissible under the existing zone (**i.e. the rezoning of land from Rural to Urban under the MRS** or for a higher density residential development under the local authority's town planning scheme). **Exceptions** to this **may occur** when rezoning is necessary for the following;.....

....• where appropriate **for** the '**rounding off**' of the Kwinana Industrial Area, particularly to implement any approved strategic development plans.

Officers of the Department of Planning and Urban Development consider the current proposal to be a 'rounding off' of the proposed Urban Area so that it coincides with cadastral boundaries, which reflects the State Planning Commission South-West Corridor Structure Plan and Urban Expansion Policy.

### *Planning laws and general policy*

Key aspects of planning laws relevant to this proposal are noted below:

- Clause 27 of the Metropolitan Region Scheme text permits the State Planning Commission to rezone land from Urban Deferred to Urban by formal resolution. There is no public advertising or appeal rights associated with such resolutions;
- Following amendment to the Metropolitan Region Scheme, local authorities are required to make their Town Planning Scheme consistent with the amendment. The Town Planning and Development Act 1928 requires local authorities to review their Town Planning Scheme every five years; and
- The planning acts and associated regulations do not define land-uses which are, or are not, permissible under Urban, Urban Deferred or Rural zones in the Metropolitan Region Scheme. The Minister for Planning, on advice of the State Planning Commission, determines whether or not a local authority Town Planning Scheme is consistent with the Metropolitan Region Scheme.

In determining applications under planning legislation, the State Planning Commission has regard for policies outlined in its Development Control (Including subdivision) Policy Manual and Statements of Planning Policy prepared under Section 5AA of the Town Planning and Development Act.

### Public submissions and comments from key government agencies

As noted above, submissions have been summarised in Appendix 3. However, three key submissions from the Department of Planning and Urban Development, Department of Resources Development and City of Cockburn were not summarised and are reproduced in Appendix 4.

Seven of the ten submissions received considered that the existing integrity of buffer zone should be protected through a Statement of Planning Policy or similar instrument and that the existing buffer zone should be defined as a specific land use type.

Submissions highlighted the importance of Kwinana Industrial Area to the economy and the State, described the importance of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 for both industry and government, commented on the frequency of review of the Policy, mentioned the significance of current air quality studies, and made comments about the environmental impact assessment process.

### Evaluation

#### ADVICE TO THE STATE PLANNING COMMISSION AND CITY OF COCKBURN

The information above clearly indicates that Area B as a buffer zone the Kwinana Industrial Area has values for protecting the public from unacceptable air quality and facilitating environmentally responsible industrial development.

The Environmental Protection Authority does not consider rounding off the buffer zone boundary to follow cadastral boundaries is necessary nor appropriate in respect to air quality matters. The Environmental Protection Authority notes that zonings in the Metropolitan Region Scheme do not necessarily reflect cadastral boundaries.

**The Environmental Protection Authority opposes the expansion, contraction or 'rounding off' of the Kwinana Industrial Area buffer zone in response to development pressures from either side.**

**Accordingly the Environmental Protection Authority considers that the rezoning from Rural to Urban Deferred of land within Area B identified in the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 is environmentally unacceptable until such time as Urban zoning under the Metropolitan Region Scheme is able to preclude residential development in this area.**

This proposal has highlighted the urgent need to modify and finalise the Kwinana Industrial Area Protection Policy to protect industry, the State government and the public. The need for a policy is evident because of:

- the lack of clear definitions for land-uses in the Metropolitan Region Scheme;
- the need for consistency between the three local government authorities within the Policy area; and
- the degree of public and industry support for a land-use planning policy.

**The Environmental Protection Authority considers that the Draft Kwinana Industrial Area Protection Policy should be finalised as soon as practicable having due regard for the advice above (ie 'no rounding off') and that previously provided in the Environmental Protection Authority's submission on the Policy in 1992.**

The Environmental Protection Authority has been advised that the current internal working draft of the policy being prepared by officers of the Department of Planning and Urban Development appears to have a number of significant improvements and generally addresses concerns expressed by the Environmental Protection Authority in its 1992 submission.

**However, the Environmental Protection Authority requests an opportunity to comment on the revised Kwinana Industrial Protection Area Policy prior to its publication by the State Planning Commission.**

In the interim, there is a need to ensure that developments do not occur in Area B which are environmentally unacceptable.

**The Environmental Protection Authority considers that the Draft Kwinana Industrial Area Protection Policy should be applied by planning agencies (with exception of the paragraphs relating to 'rounding off' of Area B) until such time as the final policy is prepared.**

**Development proposals not consistent with the Draft Kwinana Industrial Area Protection Policy (modified to exclude paragraphs relating to rounding-off of Area B) should be referred to the Environmental Protection Authority for environmental impact assessment.**

Formal environmental impact assessment is likely for such proposals, and they would most likely be considered to be environmentally unacceptable.

#### **RECOMMENDATIONS APPLICABLE TO PROPONENTS**

As noted above, the Environmental Protection Authority considers that the rezoning from Rural to Urban Deferred of land within Area B identified in the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 is environmentally unacceptable.

In Area B of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy it is not appropriate to:

- increase the density of human habitation (ie the number of or density of dwellings); or
- locate facilities at which people who may be sensitive to sulphur dioxide or other airborne contaminants are compelled to stay (e.g. primary schools or hospitals).

As the Environmental Protection Authority does not have planning responsibilities, the following recommendation, developed in consultation with officers of the Department of Planning and Urban Development is considered appropriate.

#### **Recommendation 1**

**The Environmental Protection Authority recommends that, with the exception of the reasonable extensions to the existing single residential dwelling, the part of each lot in Area B should not be used for urban residential development.**

**Urban residential development includes;**

- dwellings for residential purposes;
- short stay accommodation (e.g. Hotels and Motels); and
- other developments which compel the public to remain on the said lot for long periods of time (e.g. primary schools and hospitals).

**Upon finalisation of the Kwinana Industrial Area Protection Policy, the Environmental Protection Authority expects the above recommendation would no longer be relevant and the Policy should prevail.**

## 4. Conclusion

The Environmental Protection Authority concludes that the proposed land use changes affecting Kwinana Environmental Protection Policy Buffer - MRS Amendment No 939/33A is environmentally acceptable, subject to the recommendations in this report.

In reaching this conclusion the Environmental Protection Authority identified the main environmental factor requiring detailed consideration to be the relationship between air quality and acceptable land use.

The Authority has established an implementation and auditing system which requires the proponent to advise the Authority on how it would meet the requirements of the environmental conditions and commitments of the project. The proponent would be required to develop a Progress and Compliance report for this project as a section of the recommended audit programs.

The Authority's experience is that it is common for details of the proposal to alter through the detailed design and construction phase. In many cases alterations are not environmentally significant or have positive effects on the environmental performance of the project. The Authority believes that such non-substantial changes, and especially those which improve the environmental performance and protection, should be provided for.

## 5. Recommended environmental conditions

Based on its assessment of this proposal and recommendations in this report, the Environmental Protection Authority considers that the following Recommended Environmental Conditions are appropriate for each nominated proponent.

PROPOSED LAND USE CHANGES AFFECTING KWINANA ENVIRONMENTAL  
PROTECTION POLICY BUFFER - MRS AMENDMENT NO 939/33A (879)  
LOT XXX, STREET, MUNSTER

PROPONENT

### 1 Implementation

Changes to the proposal which are not substantial may be carried out with the approval of the Minister for the Environment.

- 1-1 Subject to these conditions, the manner of detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal. Where, in the course of that detailed implementation, the proponent seeks to change those designs, specifications, plans or other technical material in any way that the Minister for the Environment determines on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

### 2 Development in Area B of Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992

- 2-1 With the exception of the reasonable extensions to the existing single residential dwelling, the portion of lot XXX in Area B shall not be used for urban residential development.

Urban residential development includes;

- dwellings for residential purposes;
- short stay accommodation (e.g. Hotels and Motels); and

- other developments which compel the public to remain on the said lot for long periods of time (e.g. primary schools and hospitals).
- 2-2 Finalisation and publication of the Kwinana Industrial Area Protection Policy to the requirements of the Environmental Protection Authority shall make null and void Condition 2-1.

### **3 Proponent**

These conditions legally apply to the nominated proponent.

- 3-1 No transfer of ownership, control or management of the project which would give rise to a need for the replacement of the proponent shall take place until the Minister for the Environment has advised the proponent that approval has been given for the nomination of a replacement proponent. Any request for the exercise of that power of the Minister shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.

### **4 Compliance Auditing**

In order to ensure that environmental conditions and commitments are met, an audit system is required.

- 4-1 The proponent shall prepare periodic "Progress and Compliance Reports", to help verify the environmental performance of this project, in consultation with the Environmental Protection Authority.

### **Procedure**

The Environmental Protection Authority is responsible for verifying compliance with the conditions contained in this statement, with the exception of conditions stating that the proponent shall meet the requirements of either the Minister for the Environment or any other government agency.

If the Environmental Protection Authority, other government agency or proponent is in dispute concerning compliance with the conditions contained in this statement, that dispute will be determined by the Minister for the Environment.

## **6. References**

Environmental Protection Authority 1983, *Conservation reserves for Western Australia as recommended by the Environmental Protection Authority - 1983 The Darling System - System 6 Parts I & II*, Department of Conservation and Environment, Perth WA, Report No 13, October 1993.

Environmental Protection Authority 1992, *Development of an environmental protection policy for air quality at Kwinana*, Environmental Protection Authority,, Perth WA, Bulletin 644, August 1992.

Environmental Protection Authority 1993, *Sustainable development and the Kwinana Industrial Area - Position Paper*, Environmental Protection Authority, Perth WA, Bulletin 723, November 1993.

Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992.

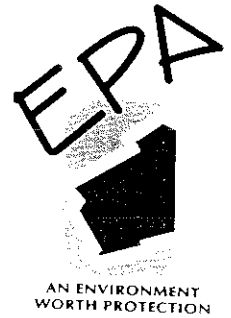
Metropolitan Region Town Planning Scheme Act.

Town Planning and Development Act.

## **Appendix 1**

**Informal advice on portion of MRS 939/33A not affected by  
Environmental Protection (Kwinana) (Atmospheric Wastes)  
Policy 1992**

# Department of Environmental Protection



Secretary  
State Planning Commission  
c/o DEPARTMENT OF PLANNING  
AND URBAN DEVELOPMENT

Your ref: 833-2-23-53  
Our ref: TP 92/71/A 74694  
Enquiries: Mr Ron Van Delft

ATTENTION: Mrs A Boland

**PROPOSAL:** Proposed land use changes affecting Woodman Point  
Waste Water Treatment Plant

**LOCATION:** Buffer, Lake Coogee & Market Garden Swamp No 3

Further to our correspondence of 21 April 1994, the Department of Environmental Protection has considered the above and provides the following advice.

*Buffer zone for Woodman Point Waste Water Treatment Plant*

I understand that the Water Authority of Western Australia has forwarded to you a detailed submission regarding the need for a buffer zone. The Department of Environmental Protection supports the thrust of the Water Authority submission.

The Department of Environmental Protection notes that;

- odours intrude into everyday living (e.g. sitting at the dining room table or having a barbecue outside) and therefore detract from the standard of living society has come to expect;
- the techniques used by the Water Authority in calculating Odour Dilution Units (ODU) are the most sophisticated and scientific available at this time;
- permitting urban residential development to encroach within the 5 ODU line would probably cause the Water Authority to regularly breach its licence conditions; and
- a significant reduction in odours from the waste water treatment plant appears unlikely to be able to be reasonably achieved, particularly given the proposed increase in plant capacity. As implied in the Water Authority submission, the 5 ODU line is likely to move further from the plant in the future.

The Department of Environmental Protection considers that

- land use changes to urban residential, or expectations that such land use would be possible, should not be proposed or created in areas currently, or likely to be, affected by odours from the waste water treatment plant; and
- the extent of the area in which land use changes must be compatible with impacts from odours should be determined on the basis of modelling the 5 ODU line for the ultimate capacity of the waste water treatment plant.

However, the ultimate capacity of the Woodman Point waste water treatment plant will be determined by the Southern Metropolitan Coastal Waters Study which is expected to conclude about December 1994. In the interim, land-uses should not be changed where there is any likelihood of odour complaints in the future.

Accordingly, the Department of Environmental Protection objects to rezoning land to Urban or Urban Deferred until the extent of the 5 ODU line is modelled based on the ultimate capacity of the waste water treatment plant. If a decision is needed now, the ultimate capacity used for modelling should assume that the Southern Metropolitan Coastal Waters Study will not constrain expansion of the wastewater treatment plant.

#### *Maintenance of a key value of Lake Coogee and Market Garden Swamp No 3*

As you may be aware, a key conservation value of Lake Coogee and Market Garden Swamp No 3 is the presence of saltwater paperbarks with a predominant understorey of salt marsh reeds.

The Department of Environmental Protection recommends that expert advice be sought about the likely impacts of various types of urban development on the hydrology of Lake Coogee and Market Garden Swamp No 3. The advice should consider how a combination of drainage design, variation in lot sizes and controls on groundwater usage can be used to ensure the existing vegetation is not adversely affected.

The Department of Environmental Protection recommends that the advice be publicly available, and that it be incorporated in the local authority Town Planning Scheme.

This Department is aware that Geological Survey of Western Australia published a study in July 1990 that investigated the hydrogeology of the area (Hydrogeology Report 1989/38).

#### *Zoning around Market Garden Swamp No 3*

As you would be aware the Beeliar Regional Park report, published in June 1992 by the Department of Planning and Urban Development, identifies Market Garden Swamp No 3 as a Landscape Protection Area.

The Department of Environmental Protection recommends that as a minimum, the boundaries of the wetland area to be protected should be 50 metres or 1 m AHD higher than the furthest extent of wetland vegetation, which ever is the largest. As the Metropolitan Region Scheme does not make provision for such protection, it is imperative that the local authority Town Planning Scheme does provide the required protection.

#### *Local authority Town Planning Scheme*

The Department of Environmental Protection requests that amendments to the local authority Town Planning Scheme which do not incorporate the above recommendations be referred to the Environmental Protection Authority.



Please note that the part of amendment 939/33A which is within the area affected by the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy Approval Order 1992 is being assessed separately at a Consultative Environmental Review level. No decision may be made to implement this aspect of the proposal until the Minister for the Environment makes a decision.



R A D Sippe  
DIRECTOR  
EVALUATION DIVISION

23 May 1994

enc

cc: City of Cockburn  
Water Authority of Western Australia  
Wetlands Conservation Society

LUC Munster 170594 RVD

## **Appendix 2**

**Mailing list and letters sent seeking submissions**

## Department of Environmental Protection



M Mihaljevich  
671 Rockingham Rd  
MUNSTER WA 6166

Your ref:

Our ref: TP 92.71/B

Enquiries: Ron Van Delft

Dear Sir/Madam

**PROPOSED LAND USE CHANGES AFFECTING KWINANA  
ENVIRONMENTAL PROTECTION POLICY BUFFER - MRS  
AMENDMENT NO 939/33A (879)**


Further to your meeting of 2 May 1994 with Jackie Boyer of this Department and the closure of appeals on 6 May 1994, I wish to confirm your acceptance of an expedited assessment of the above proposal.

As you are aware, the significant environmental issue associated with this proposal is the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992. Given the specific nature of the issue and that the response to it is already largely known, an expedited form of environmental assessment is considered most appropriate. As discussed at the meeting, this expedited environmental assessment would entail limited circulation of the amendment plan for submissions, and an environmental assessment in keeping with the advice already given. The plan will be circulated to a select number of agencies (refer attached) which will include the Department of Resources Development, the City of Cockburn, the Kwinana Industries Coordinating Committee, the Kwinana Industries Council, the Conservation Council of Western Australia and any other organisations registering an interest.

You will still have the same appeal rights available to you, that is, if you want to, you may appeal the report and recommendations of the Environmental Protection Authority when published, and/or the Environmental Conditions when set by the Minister for the Environment. Under this expedited process you will not be required to produce a comprehensive Consultative Environmental Review (CER) document and you will not be required to advertise the CER in the local newspapers for public submissions.

I understand that you have agreed to the above process of environmental assessment. If this is not your understanding, or if you have any queries, please contact Ron Van Delft on 222 7079.

Yours sincerely

  
R A D Sippe  
DIRECTOR  
EVALUATION DIVISION

17 May 1994

enc

**Proposed land use changes affecting Kwinana Environmental Protection Policy Buffer - MRS Amendment No 939/33A (879)**

Letter Nos	ORGANISATION	CONTACT
1 & 2	M Mihaljevich 671 Rockingham Rd, MUNSTER WA 6166,	
1 & 2	P & S Hilliard 8 Duchart Way, COOGEE WA 6166,	
1 & 2	D & N Marinovich 626 Rockingham Rd, MUNSTER WA 6166,	
1 & 2	A & C Carcione 20 Frobisher Ave, MUNSTER WA 6166,	
2	Chief Executive Department of Planning and Urban Development	Mr A Jackson
2	Chief Executive Officer Department of Resource Development	
2	Town Clerk City of Cockburn PO Box 21, HAMILTON HILL WA 6163,	Mr J Scharf
2	Kwinana Industries Coordinating Committee c/o Department of Resource Development	N Ashcroft
2	Conservation Council of Western Australia 79 Stirling St, PERTH WA 6000,	
3	Executive Officer Kwinana Industries Council PO Box 367, KWINANA WA 6167,	W S Sashegyi
3	Works Manager Cockburn Cement Ltd PO Box 38, HAMILTON HILL WA 6163,	Martin Brydon
3	Director Tiwest Joint Venture PO Box 381, COMO WA 6152,	B J Montgomery

# Department of Environmental Protection



Chief Executive  
DEPARTMENT OF PLANNING  
AND URBAN DEVELOPMENT

Your ref: 833-2-23-53  
Our ref: TP 92.71/B  
Enquiries: Mr Ron Van Delft

ATTENTION: Mr A Jackson

## PROPOSED LAND USE CHANGES AFFECTING KWINANA ENVIRONMENTAL PROTECTION POLICY BUFFER - MRS AMENDMENT NO 939/33A (879)

The Environmental Protection Authority is undertaking a formal environmental impact assessment of the above proposal at the level of Consultative Environmental Review. The area subject to the Consultative Environmental Review is as shown on the attached map.

The significant environmental issues associated with this proposal are:

- the impact that air quality may have on future residents within the buffer set by the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992; and
- maintenance of the integrity of the buffer established by Environmental Protection Policy.

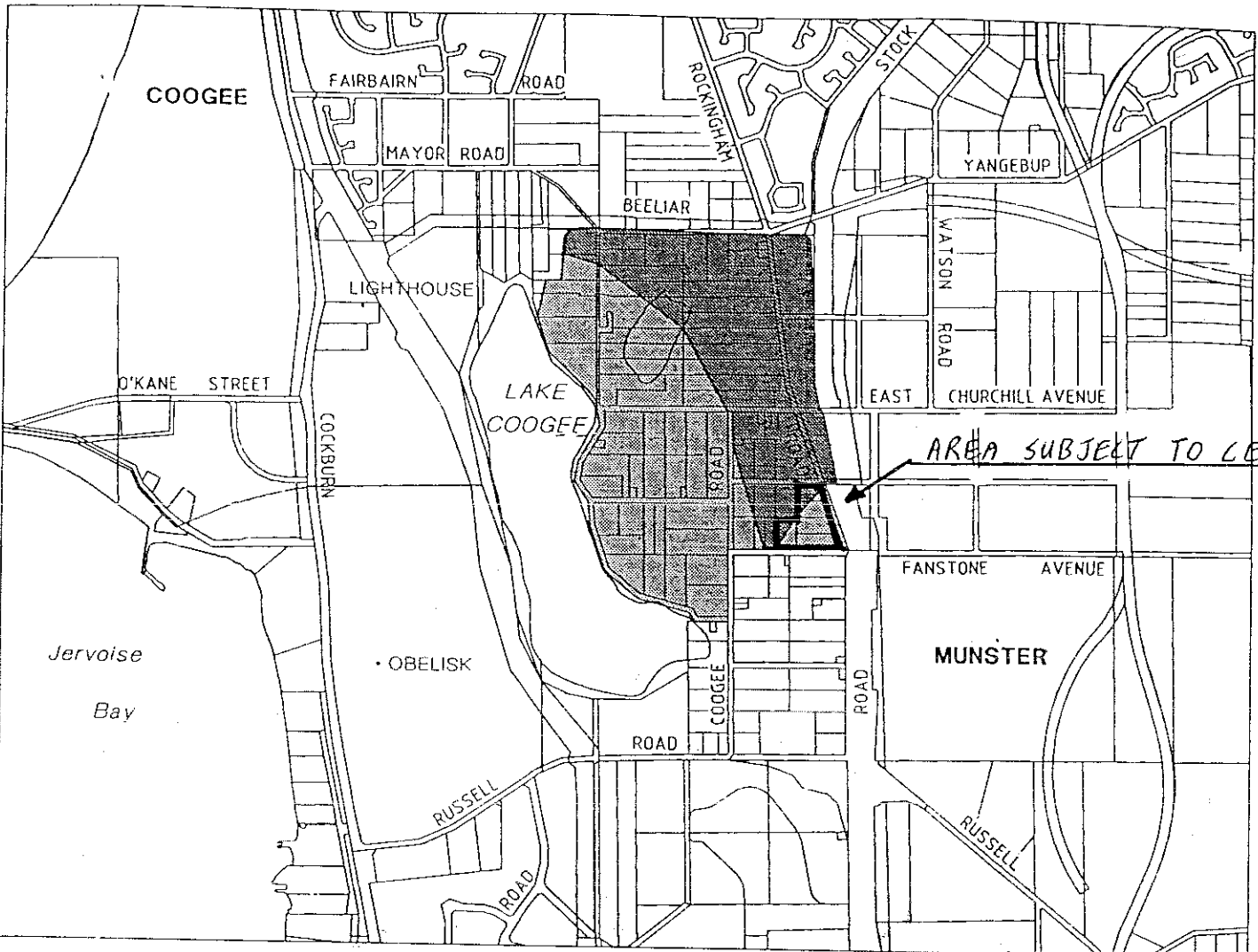
Your comments on the above proposal are invited, and should be submitted to the Environmental Protection Authority by close of business on Monday 27 June 1994. This will be your only opportunity to provide a submission.

Should you have any questions regarding this matter, please contact Mr Ron Van Delft on (09) 222 7079 in the first instance.

  
R A D Sippe  
DIRECTOR  
EVALUATION DIVISION

17 May 1994

enc





SIGNED FOR AND ON BEHALF OF THE METROPOLITAN PLANNING COUNCIL (ACTING UNDER DELEGATED POWER FROM THE STATE PLANNING COMMISSION) BY

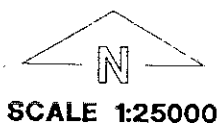
SECRETARY .....

An officer of the said Commission duly authorised by the said Commission Pursuant to section 57 of the State Planning Commission Act 1985 for that purpose in the presence of :

WITNESS .....

DATE .....

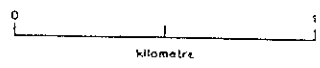
-  Excluded from Rural Zone and Waterways Reservation and Included in Urban Deferred Zone
-  Excluded from Rural Zone and Included in Urban Zone




**METROPOLITAN REGION SCHEME**

**MAP No 23/34m**

**AMENDMENT No 939/33A**



STATE PLANNING COMMISSION  
WESTERN AUSTRALIA

C/O DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT 

AUTHORISED: T.ARIAS  
DRAFTSPERSON: D.CLIFFORD  
EXAMINED: .....  
REVISED: .....  
DATE: .....

FILE REF: 833/2/23/53  
PLAN REF: PTH.09.04.09.05  
MRS. 150000 SHT.7 3.0707  
2119 **PLAN No 4.1271**  
**BAR CODE**

**Appendix 3**  
**Summary of submissions**

- 1. Importance of Kwinana Industrial Area**
  - 1.1 Kwinana Industrial Area is of major importance to the economy of Western Australia, producing goods worth over \$2.5 billion each year with potential for more industry. The State also has an interest through Agreement Acts, and income through taxes and charges.
  - 1.2 As no alternative heavy industrial area has been identified in the state which could duplicate the opportunities for integration, proximity to markets & other infrastructure, available at Kwinana the area must be protected.
- 2. Importance of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992**
  - 2.1 The buffer was established to protect people from pollution levels above WHO limits and it should remain as rural and conservation areas.
  - 2.2 The EPP buffer helps industry operate in an environmentally responsible way.
  - 2.3 Any changes to the land classification that may allow closer settlement such as residential would be counter to the buffer zone concept and contrary to the spirit and intent of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992.
  - 2.4 Buffer has been drawn on the basis of acceptable air quality parameters and government and industry are (should be) committed to maintaining impacts at acceptable levels at that boundary.
  - 2.5 Considerable commitment of capital, and much employee effort it expended to minimise the impacts of our industry outside our boundaries. The impact of urban encroachment within the buffer zone will increase these outlays.
  - 2.6 To support the ongoing commercial viability of the companies operations, and to permit medium and long term development of our plant, we firmly oppose any diminution of the buffer zone.
  - 2.7 Urban development in the buffer zone could severely constrain existing industries in Kwinana and jeopardise future expansion of the Kwinana Industrial area
  - 2.8 Concerned that Environmental Protection Act could work against industry if residential development established in buffer zone. There would be no defence under the Environmental Protection Act for complaints about air quality from residents even though industry is complying with the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992.
  - 2.9 Maintenance of buffer zone should not be reliant upon vigilance of industry.
- 3. Frequency of review of Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992**
  - 3.1 It is not appropriate for the buffer zone to be reviewed every time a small land-holder seeks to change land use, but this should occur on a regular cycle (say 5 years).
  - 3.2 It is premature to consider rezoning land within the EPP buffer area before the remodelling exercise required by the EPP is completed in 1995, and allowance has been made for future expansion of industry.
- 4. Need for planning policy to compliment Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992**
  - 4.1 Integrity of buffer zone should be protected through a Statement of Planning Policy or similar instrument.
  - 4.2 Existing buffer zone should be defined as a specific land use type.



**5. Miscellaneous**

- 5.1 We fully support your decision to formally assess this proposal under the provision of the Environmental Protection Act.
- 5.2 This proposal should have been fully documented by the proponent(s).
- 5.3 We wish to oppose MRS Amendment No 939/33A and request that Environmental Protection Authority recommend to the Minister of the Environment that this proposal be rejected.

## **Appendix 4**

**Department of Resources Development,  
Department of Planning and Urban Development  
and  
City of Cockburn  
public submissions**



**DEPARTMENT OF  
RESOURCES  
DEVELOPMENT**

Your Ref: TP 92.71/B  
Our Ref: R1015/93

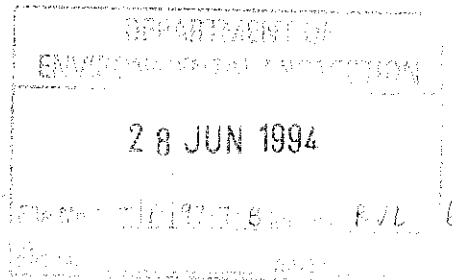
170 St George's Terrace  
Perth, Western Australia

Postal Address:  
PO Box 7606, Cloisters Square,  
Perth, Western Australia 6850

Telephone (09) 327 5555  
Fax (09) 327 5500

Mr R A D Sippe  
Director, Evaluation Division  
Department of Environmental Protection  
8th Floor, Westralia Square  
141 St George's Terrace  
PERTH WA 6000

Attention: Ron Van Delft



**PROPOSED LAND USE CHANGES AFFECTING KWINANA ENVIRONMENTAL  
PROTECTION POLICY BUFFER - MRS AMENDMENT NO 939/33A (879)**

Thank you for inviting the Department of Resources Development to comment on the above proposal.

DRD has found the Environmental Protection Policy (EPP) to be a very useful, effective tool for enabling industry to operate in Kwinana in an environmentally responsible way. The Kwinana air quality buffer zone is a vital component of the EPP.

DRD is contributing to a study run by the Pollution Prevention Division of your Department to refine the model on which the EPP is based.

Encroachment of urban development into the air quality buffer zone could undermine the viability of the EPP and therefore of existing industry in Kwinana, and could constrain future industry development in the area. The Department strongly believes it is important to maintain the integrity of the air quality buffer zone and this area should not be infringed by urban development.

The Department believes that the existing buffer zone needs to be defined as a specific land use type and designated as a statutory land use. The integrity of the buffer zone should be protected by a State Planning Policy and be an automatic outcome of the planning process. It is not appropriate for the conceptual basis of the buffer zone to be re-examined every time a small landholder seeks to change the land use.

76774-6

Thus the Department strongly opposes this proposal for a land use change within the EPP buffer zone.



Noel Ashcroft  
DIRECTOR  
SOUTH WEST DIVISION

21 June 1994

JD19

ALL CORRESPONDENCE  
TO BE ADDRESSED TO  
CHIEF EXECUTIVE

IN REPLY PLEASE QUOTE

YOUR REF

OUR REF

A Jackson/rjh  
TP92.71B  
833-2-23-53

  
DEPARTMENT OF  
PLANNING AND URBAN DEVELOPMENT

DPUD

CHIEF EXECUTIVE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

30 JUN 1994

T/P/92.71B Initials: BVA

ATTENTION MR RON VAN DELFT

**PROPOSED LAND USE CHANGES AFFECTING KWINANA ENVIRONMENTAL PROTECTION POLICY BUFFERS - MRS AMENDMENT NO. 939/33A (879)**

In response to your letter of 17 May, 1994 I wish to submit the following comment from the Department on behalf of the State Planning Commission.

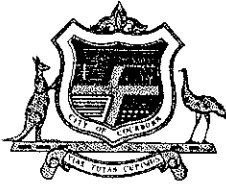
1. The identified environmental issues the basis of the Consultative Environmental Review are acknowledged.
2. The proposal is consistent with the SPC's Urban Expansion Policy and from a planning point of view is a logical extension/rounding off of the area's urbanisation.
3. In supporting the proposed Urban Deferred zoning within the Kwinana Air Quality Buffer, reflecting the buffer boundary, it was considered that land usage in this area would be resolved through the local structure planning process prior to the lifting of Urban Deferment, and subsequently controlled under an appropriate town planning scheme zoning. It was not presumed that standard residential subdivision would occur. Alternative uses that may be contemplated include service commercial, light industrial (i.e. non-polluting) or public open space, all of which are normal under the ultimate Urban zoning in the MRS, and complement residential development in terms of providing services, employment and recreational opportunities.
4. In the event that a future land use/development proposal was put forward at the local planning level that was considered inconsistent with the air quality buffer, then it would still be open to the Environmental Protection Authority to formally assess that proposal.
5. It is in these circumstances, while noting that the area is constrained by the air

768-13 INFO

quality buffer, that it was resolved to initiate the amendment, and the necessary further change to Urban would not be initiated until this constraint and the land's use have been resolved. The Urban Deferred classification earmarks the area as part of the urban fabric, but does not in itself give rise to residential development.

*Andrew Jackson*  
ANDREW JACKSON  
REGIONAL MANAGER  
METROPOLITAN SOUTH WEST

June 28, 1994



# City of Cockburn

P.O. BOX 21, HAMILTON HILL, WESTERN AUSTRALIA 6163  
9 COLEVILLE CRESCENT, SPEARWOOD 6163

ALL WRITTEN COMMUNICATIONS TO BE ADDRESSED TO CITY MANAGER

ENQUIRIES  
OUR REF.  
  
YOUR REF.

Mr J E Scharf  
92076

OFFICE HOURS: 8.30 a.m. - 4.30 p.m.  
MONDAY TO FRIDAY  
TELEPHONE: ADMINISTRATION CENTRE (09) 411 3444  
WORKS DEPOT 411 3490

The Director, Evaluation Division  
Department of Environmental Protection  
Westralia Square  
141 St George's Tce  
PERTH WA 6000

DEPARTMENT OF ENVIRONMENTAL PROTECTION	
28 JUN 1994	
File No 1	192-18
File No 2	116

Dear Sir

**MRS AMENDMENT NO: 939/33A - KWINANA ENVIRONMENTAL PROTECTION POLICY BUFFER**

I refer to your letter dated 17th May, 1994, requesting this Council's comments on the proposed alteration to the buffer area set aside by the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992.

The request was considered by the City of Cockburn at its ordinary meeting of held on the 7th June, 1994, when it resolved to advise that it supports the proposed amendment to the buffer area on the following grounds;

- 1) The area of land shown to be rezoned to "Urban" in the MRS amendment is only marginally influenced by the buffer zone.
- 2) Urban land use being extended down to Frobisher Avenue would allow a more desirable rounding off of the land to allow future subdivision of the land in an orderly manner.
- 3) The existing boundaries of the Kwinana Buffer area sever lot boundaries making it impractical for administration of the land use controls in the area.

I trust that the above comments will be taken into consideration when dealing with the amendment, however, should you require any additional information, please contact the Director of Planning and Development.

Yours faithfully

R W BROWN  
CITY MANAGER/TOWN CLERK

JS:LjP

76778 INFO

23 June 1994

## **Appendix 5**

### **Draft Kwinana Industrial Area Protection Policy**



# KWINANA INDUSTRIAL AREA PROTECTION (DRAFT) POLICY

## BACKGROUND NOTES

1. The Kwinana Industrial Area is the State's most important industrial location. The major industries located in Kwinana are important in terms of employment opportunities, public and private capital investment, import replacement and export earnings. The size of the industrial area, its proximity to the Perth workforce, the linkages with existing industry together with the existing physical infrastructure and investment in the area are strong arguments for its continued use and encouragement as a major industrial centre.
2. This policy is in response to a request by the Kwinana Industries Co-ordinating Committee (KICC)<sup>1</sup> for a policy to control subdivision and development within the Kwinana Air Quality Buffer Zone. This is in recognition of increasing pressures for development within this area which has the potential to attract additional populations.
3. Development and land uses which attract additional population into the air quality buffer zone should be minimised because of the diminished air quality within this area. It may also expose additional people to reduced amenity from noise associated with the Kwinana Industrial Area. In addition, the EPA has expressed concern that an increased population in the air quality buffer zone, particularly if it is concentrated (say in a sports stadium), may have the effect of increasing the risk of injuries and/or fatalities occurring should an incident occur in the Kwinana Industrial Area for example as a result of major equipment failure. The affect of this could in turn jeopardise the continued use and expansion of the Kwinana Industrial Area, for heavy industry.
4. In relation to risk, the existing population and intensity of land use in the Kwinana Air Quality Buffer Zone is considered acceptable. However, in view of the EPA's concerns, the suitability of this area for any significant increase in population is subject to on-going investigations. This is necessary to establish the maximum acceptable additional population (both residents and people frequenting the area) and the extent of the area to which population control should apply. This work will form the basis for the review of this policy. In the interim, it is considered prudent to minimise any increases in population within the Kwinana Air Quality Buffer Zone.
5. For the purposes of this policy heavy industry is generally considered to include heavy processing resource and/or chemical based industry often having high capital investment and may include industry which requires a buffer zone.
6. Evidence of reduced amenity associated with the Kwinana Industrial Area was

---

<sup>1</sup> KICC was established by Cabinet in 1985 to ensure good communication between local authorities, industry and various government agencies and to foster a responsible approach to the development of the Kwinana industrial region. KICC reports to the Minister for State Development and comprises representatives from DSD, DPUD, EPA, FPA, ILDA the MLA for Rockingham, the MLA for Peel and an MLC representing the SW Metropolitan Province.

recognised in the *Coogee Air Pollution Study* 1974. This study concluded that an area north of the Kwinana Industrial Estate was unsuitable for urban development due to the levels of air pollution. The Kwinana Air Modelling Study 1982 (KAMS) defined the air quality buffer zone more precisely.

7. The *Kwinana Regional Strategy* 1988 further defined the air quality buffer zone to include an area of nearly 6,400 hectares consisting of the KAMS buffer zone together with a 1,500 metre buffer around the Cockburn Cement plant exposed to dust nuisance. The buffer zone comprises a core area of industrial land as well as surrounding rural areas and existing settlements at Wattleup and Hope Valley. Around 37% of the land is zoned Rural and used for market gardening, rural-residential, landfill and tailing ponds or is undeveloped.
8. The *Kwinana Regional Strategy* concluded that while air quality in the buffer zone had improved in recent years, air quality was still affected by industry. The Strategy did not support expansion of the existing communities apart from some minor 'rounding off' and consolidation of areas. The Strategy noted that the existence of the buffer zone was taken into account in the assessment of emissions and risks associated with new industrial development.
9. The *Kwinana Regional Strategy* introduced policies opposed to the further subdivision and development of land for residential and related purposes within the air quality buffer zone. It recommended the buffer zone should be used primarily for rural, open space, non-polluting industry and other purposes which are not adversely affected by the impact of industrial emissions. Future expansion of Wattleup and Hope Valley townsites was not recommended but support was given to improving local amenity and services in these communities as the opportunities arise.
10. This Policy provides more specific controls on subdivision and development to minimise the potential to attract additional people into the buffer zone which is affected by reduced amenity not only from diminished air quality but also from possible risks and future noise associated with the Kwinana Industrial Area.
11. The Kwinana Air Quality Buffer Zone as depicted in the *Kwinana Regional Strategy* Report, December 1988, will be changed with the promulgation of the *Draft Environmental Protection (Kwinana) (Atmospheric Waste) Policy*, 1991 and the *Environmental Protection (Kwinana) (Atmospheric Waste) Regulations*, 1991. This Environmental Protection Policy recognises both the economic significance of the heavy industrial operations in Kwinana and also the need to protect the Kwinana environment and the people who live there. It prescribes standards for ambient atmospheric pollutants within and outside the buffer zone.
12. Other relevant policies contained within the Development Control (including subdivision) Policy Manual include:

DC 3.4 *Rural land use planning policy*

DC 4.2 *Planning for hazards and safety*

Reference should also be made to the *Kwinana Regional Strategy*, 1988 and the *East Rockingham Industrial Park Strategic Development Plan*, 1991.

# Department of Environmental Protection



Director  
Tiwest Joint Venture  
PO Box 381  
COMO WA 6152

Your ref:

Our ref: TP 92.71/B

Enquiries: Mr Ron Van Delft

ATTENTION: B J Montgomery

Dear Sir/Madam

**PROPOSED LAND USE CHANGES AFFECTING KWINANA  
ENVIRONMENTAL PROTECTION POLICY BUFFER - MRS  
AMENDMENT NO 939/33A (879)**

Thank you for your recent letter regarding the above.

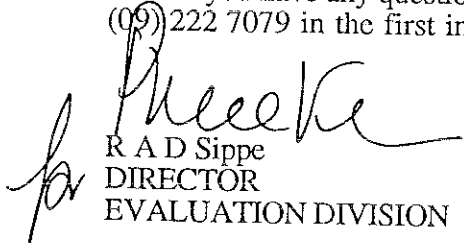
The Environmental Protection Authority is undertaking a formal environmental impact assessment of the above proposal at the level of Consultative Environmental Review. The area subject to the Consultative Environmental Review is as shown on the attached map.

The significant environmental issues associated with this proposal are:

- the impact that air quality may have on future residents within the buffer set by the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992; and
- maintenance of the integrity of the buffer established by Environmental Protection Policy.

Your comments on the above proposal are invited, and should be submitted to the Environmental Protection Authority by close of business on Monday 27 June 1994. This will be your only opportunity to provide a submission. Please note that your recent letter regarding the above will be treated as a submission. Therefore, you only need to respond to this letter if you wish to provide additional comments.

Should you have any questions regarding this matter, please contact Mr Ron Van Delft on (09) 222 7079 in the first instance.

  
R A D Sippe  
DIRECTOR  
EVALUATION DIVISION

17 May 1994

enc

# KWINANA INDUSTRIAL AREA PROTECTION (DRAFT) POLICY

## CONTENTS:-

1. Introduction
2. Application of Policy
3. Policy Objectives
4. Policy Measures
5. Implementation

## 1. INTRODUCTION

1.1 This Policy reinforces the principles and policies adopted by Government since evidence of reduced amenity from diminished air quality associated with heavy industry in the Kwinana Industrial Area became apparent. In particular, it reinforces the requirement contained in the *Kwinana Regional Strategy* for the retention of an adequate buffer zone over the area where there is diminished air quality.

1.2 Industries may require a buffer zone for the following reasons:

- \* even with the best available technology, some industries have residual emissions of pollutants and noise which cannot practicably be avoided; and
- \* there are intermittent events ranging from start-up and shut down emissions through to equipment failure (including pollution control equipment) which similarly may be unavoidable even under the best practicable means of control.

In extreme cases the possibility of major equipment failure may result in a potential risk of injury and/or fatality to people in the buffer zone.

1.3 It is prudent to control land use and development which has the potential to increase the number of people both frequenting and residing in the buffer zone who are subject to diminished air quality and possible risks and noise from industry in the Kwinana Industrial Area. This is necessary not only as a result of the diminished amenity within the area but also the need to protect the State's most valuable industrial infrastructure by providing the maximum opportunity to develop the Kwinana Industrial Area to its full potential.

1.4 The mechanisms for controlling land use and development within the buffer zone will continue to be through the Metropolitan Region Scheme and the district town planning schemes for the affected local government authorities. Under Clause 32 of the Metropolitan Region Scheme applications for development (over \$50,000) in the Kwinana Industrial Area (land zoned Industrial and Special Industrial) and non-rural development in the Rural Zone are required to be referred to the State Planning Commission for determination.

## 2. APPLICATION OF POLICY

The policy applies to the area depicted on Figure 1. The boundary of this policy area follows the Kwinana Air Quality Buffer Zone boundary which is defined in the Draft Environmental Protection (Kwinana) (Atmospheric Waste) Policy 1991. It includes industrial land (zoned Industrial and Special Industrial under the MRS as amended from time to time and generally shown as Area A on Figure 1) and the surrounding land which is used mainly for rural purposes and which is constrained by diminished air quality and possible noise and risks (shown generally as Area B on Figure 1).

## 3. POLICY OBJECTIVES

- \* to secure the long term use of the Kwinana Industrial Area for environmentally acceptable heavy industry;
- \* to minimise the population in the policy area which is exposed to diminished air quality and possible noise and risks;
- \* to provide guidance for the development and use of land within the policy area.

## 4. POLICY MEASURES

### 4.1 Area A (Industrial Land)

#### Development and Use

- 4.1.1 In general, applications to use and develop land should be considered in the context of the need to exclude people from residing in the area and to minimise the numbers of people frequenting this area, other than those directly involved in the industries.
- 4.1.2 There is a general presumption in favour of the use and development of this area for heavy industry and other types of industry and associated land uses in appropriate locations, subject to compliance with the necessary environmental criteria.

In addition, the following uses may be considered within this area:

- \* the use of land for low intensity passive recreation; or
- \* non-industrial uses, in appropriate locations, to serve the local workforce providing they are compatible with the objectives of this policy.

4.1.3 It is expected that the East Rockingham Industrial Area will continue to be used and developed in accordance with the *East Rockingham Industrial Park Strategic Development Plan* for:

- port-related industry;
- environmentally acceptable heavy industry;
- advanced materials industry;
- general industry; and
- light industry.

In addition, it is expected that the northern portion of the Kwinana Industrial Area will continue to be used and developed primarily for environmentally acceptable heavy industry, while the main activity in the Henderson Industrial Area will continue to be ship building and marine related industries.

4.1.4 There is a general presumption against residential and commercial uses and intensive recreational activities within this area, except where commercial activities are incidental to industry.

#### **Subdivision and Rezoning**

4.1.5 The subdivision and rezoning of land should generally be restricted to that associated with the use and development of this area in the manner identified in 4.1.2.

## **4.2 Area B (Surrounding Land)**

### **Development and Use**

4.2.1 In general, applications to use and develop land should be considered in the context of the need to minimise the numbers of people residing in and frequenting this area.

4.2.2 There is a general presumption in favour of the following land uses within this area:

- \* agriculture;
- \* horticulture;
- \* forestry;
- \* extractive industry;
- \* waste disposal; and
- \* extensive public infrastructure development.

In addition, the following uses may be considered within this area:

- \* the use of land for low intensity passive recreation; or
- \* uses to serve the local population providing they are compatible with

the objectives of this policy.

4.2.3 Subject to the provisions of paragraph 4.2.2 there is a general presumption against the following types of development and use within this area:

- \* commercial uses and intensive recreational activities, particularly those likely to attract people from outside the area; and
- \* further residential development other than one single house on each residential or rural zoned lot.

#### **Subdivision**

4.2.4 There is a general presumption against subdivision or strata titling of land to create new lots in this area:

- \* unless the lots are necessary for the development of any approved uses in accordance with 4.2.2;
- \* unless the land is zoned Rural under the MRS and has already been physically divided by significant natural or man-made features (providing the adjoining land could not be similarly subdivided and thereby, by the process of precedent, lead to a general intensification of human activity in the area); or
- \* unless the lots are associated with the consolidation and 'rounding off' of development in the Wattleup and Hope Valley townsites.

#### **Rezoning**

4.2.5 There is a general presumption against the rezoning of land for purposes which have the potential to attract a greater concentration of people to the subject land, particularly from outside the policy area, than permissible under the existing zone (i.e. the rezoning of land from Rural to Urban under the MRS or for a higher density residential development under the local authority's town planning scheme). Exceptions to this may occur where rezoning is necessary for the following:

- \* the development of any approved uses in accordance with 4.2.2;
- \* to reflect the intent of the Alumina Refinery Agreement Act 1961 (as amended) which provides for future light industrial use of the Alcoa Red Mud Lakes; or
- \* where appropriate for the 'rounding off' of the Kwinana Industrial Area, particularly to implement any approved strategic development plans.

## 5. IMPLEMENTATION

5.1 The following methods of restricting residential and commercial land uses within the policy area are encouraged.

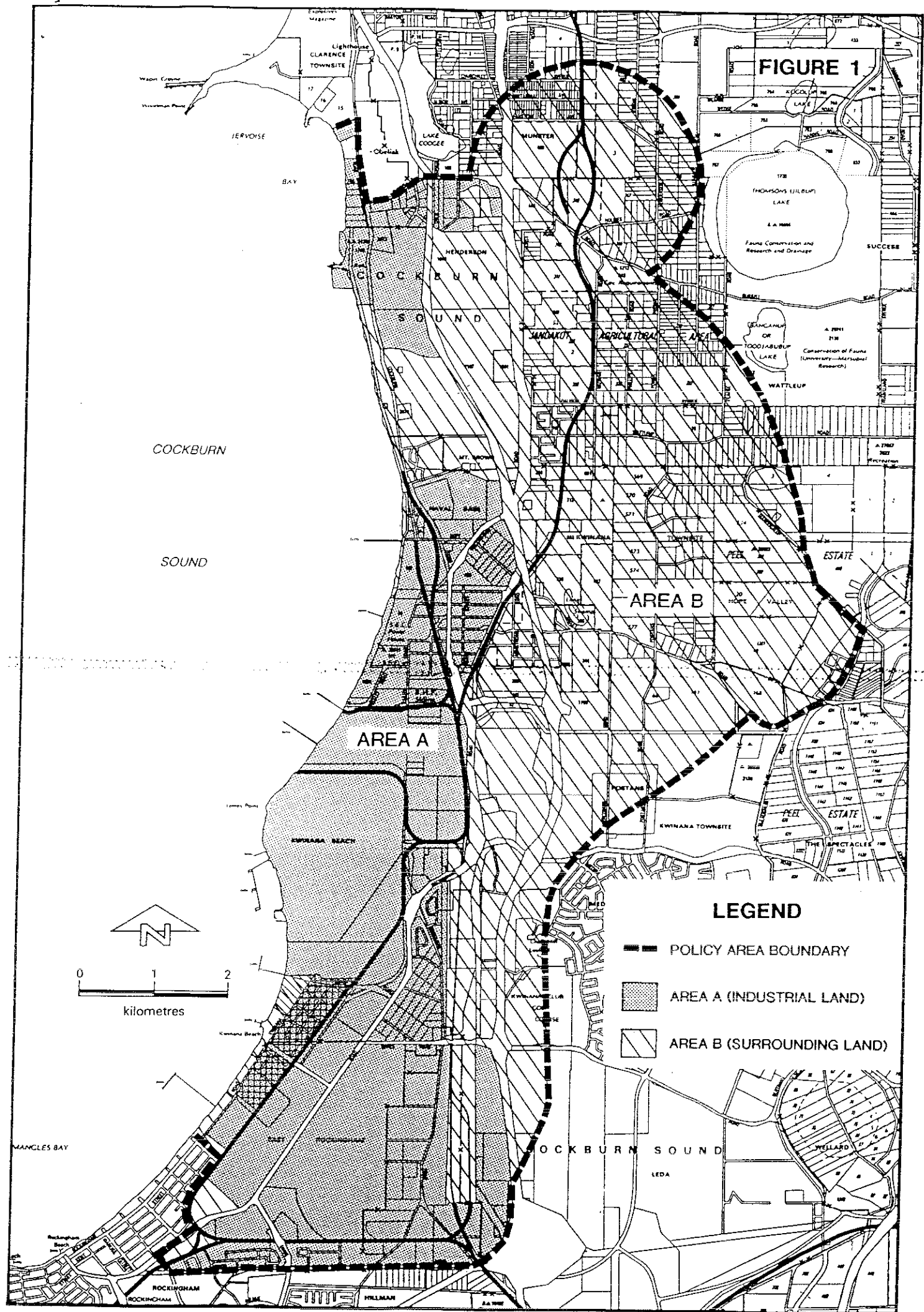
- \* The use of Urban Farmland Rating provisions of the Local Government Act.
- \* Retention of land in public ownership unless the disposal of such land is likely to result in land uses that are consistent with the objectives of this policy.
- \* Amendment of town planning schemes operative within the policy area, where appropriate, to reflect the requirements of this policy.

5.2 In accordance with the provisions of the Metropolitan Region Scheme significant development proposals within the portions of the policy area zoned Industrial, Special Industrial and Rural under the MRS will continue to be determined by the State Planning Commission. This includes the following:

- \* Under the 1986 resolution pursuant to Clause 32 of the Metropolitan Region Scheme all applications for approval to commence development valued at more than \$50,000 within the area zoned for Industrial and Special Industrial purposes under the MRS.
- \* Under the 1979 resolution pursuant to Clause 32 of the Metropolitan Region Scheme all applications for approval to commence development on land zoned Rural under the MRS in respect of the following uses:
  - Caravan Park.
  - Drive-in theatre.
  - Educational Establishment.
  - Group residential developments such as cabins, chalets, aged persons dwellings and flats.
  - Hospital.
  - Hotel/motel.
  - Industry (extractive, general, hazardous, light, noxious, service, special).
  - Institutional building/homes.
  - Office/s.
  - Public/private recreation - sporting complexes.
  - Shop/s.
  - Showroom/s.
  - Warehouse/bulk stores.
  - Other non-rural uses not specified in the Council's District Town Planning Scheme use class table but for which permission may be granted by Council, but excepting applications for uses for which the Local Authority have introduced a specific zoning, will also continue to require Commission approval.



FIGURE 1






COCKBURN

SOUND

AREA A

AREA B

LEGEND

-  POLICY AREA BOUNDARY
-  AREA A (INDUSTRIAL LAND)
-  AREA B (SURROUNDING LAND)



0 1 2  
kilometres

MANGLES BAY

ROCKINGHAM

COCKBURN SOUND

WELLARD

**Appendix 6**  
**List of submitters**

**State and local government agencies**

City of Cockburn

Department of Planning and Urban Development

Department of Resources Development

**Members of the public**

BP Oil

Chamber of Commerce and Industry of Western Australia

Cockburn Cement Ltd

Conservation Council of Western Australia

Kwinana Industries Coordinating Committee

Kwinana Industries Council

Tiwest Joint Venture