



QUESTION & ANSWER

SECTION 16(E) LAND USE PLANNING RESPONSE AT MANDOGALUP

EPA Section 16e Advice

In June 2017, the Environmental Protection Authority (EPA) provided the Minister for Environment with a section 16(e) advice titled "*Consideration of potential health and amenity impacts of dust in determining the size of a buffer for urban development in the Mandogalup area*".

This advice was requested by the previous government to assist in the consideration of establishing legislation to control urban (residential) and other sensitive land uses in the vicinity of the Kwinana Industrial Area (particularly in close proximity to Alcoa's Kwinana Residue Disposal Area (RDA)).

The subject area is shown on Map 1. The area consists of four sub-areas (A-D) that have been defined on the basis of air quality and amenity impacts as outlined in the EPA's advice.

What were the key findings of the EPA Section 16e advice?

Key findings in the section 16(e) advice by EPA include:

- in area A, located in the eastern area of Mandogalup (abutting the Kwinana Freeway) there are negligible health risks or likelihood of unreasonable amenity impacts from dust produced by the RDA..
- health and amenity impacts appear unlikely in Area B but further investigations are required; and
- air quality in areas to the north and north-east of the RDA (Area(s) C and D) does not appear to currently meet the revised National Environment Protection (Ambient Air Quality) Measure (NEPM) goal for air quality, under both current and planned (reduced) future RDA operation. There is also a potential for amenity impacts.

WHAT'S CHANGING

The State Government has endorsed findings by the Environmental Protection Authority that will allow for urban development on land to the north east of the RDA as it found negligible health and amenity impact from dust in this area.

Urban zoned land can accommodate residential, and other land uses such as commercial, light industrial or other employment activities. Suitability of land uses will be determined when more detailed planning takes place.

The Western Australian Planning Commission will start preparing a draft improvement plan over rural land to the north, south and east of the RDA (land in closest proximity to the RDA boundary).

What is an improvement plan/improvement scheme?

- Section 119 of the Planning and Development Act 2005 states that the Western Australian Planning Commission (WAPC) can recommend to the Minister that an improvement plan be made “for the purpose of advancing the planning, development and use of land”
- Improvement plans are statutory land use planning instruments that can be used to facilitate the development of land in areas identified by the WAPC as requiring special planning.
- An improvement plan can also be used to provide the head-of-power to create an improvement scheme.
- An improvement scheme operates in a similar manner as a local planning scheme but it is administered by the WAPC.

What is the purpose of the improvement plan/improvement scheme at Mandogalup?

- It is proposed that an improvement plan and scheme be placed over land currently zoned rural under the Metropolitan Region Scheme (area identified in attached Map to the north, south and east of the RDA).
- This will enable the land to be strategically planned for future land use development.
- There will be further assessment of potential health and amenity impacts of future industrial activities in the area as part of preparing the improvement plan/ improvement scheme.
- Preparing an improvement plan requires the Western Australian Planning Commission (WAPC) to consult with local government, industry and landowners.
- Preparation of an improvement scheme follows the same process as for a local planning scheme (as provided in the *Planning and Development (Local Planning Scheme) Regulations 2015*).

What does the improvement plan and improvement scheme mean for existing landowners?

I. Land Owners in Area A

It is not proposed to put an improvement plan over Area A. Land owners within Area A on land zoned Urban will be able to progress development opportunities in line with any approved structure plans. In areas not yet subject to structure plan approvals, consideration in the preparation of any plan will need to have due regard to the lands interface with the proposed improvement plan area.

Land owners with land zoned Rural may continue to operate rural activities on the land. If land owners wish to seek a change in zoning for the land, this will require the preparation of a re-zoning submission to both the Metropolitan Region Scheme and the Local Town Planning Scheme, for consideration by the local government and the WAPC.

II. Land Owners in Areas B, C and D

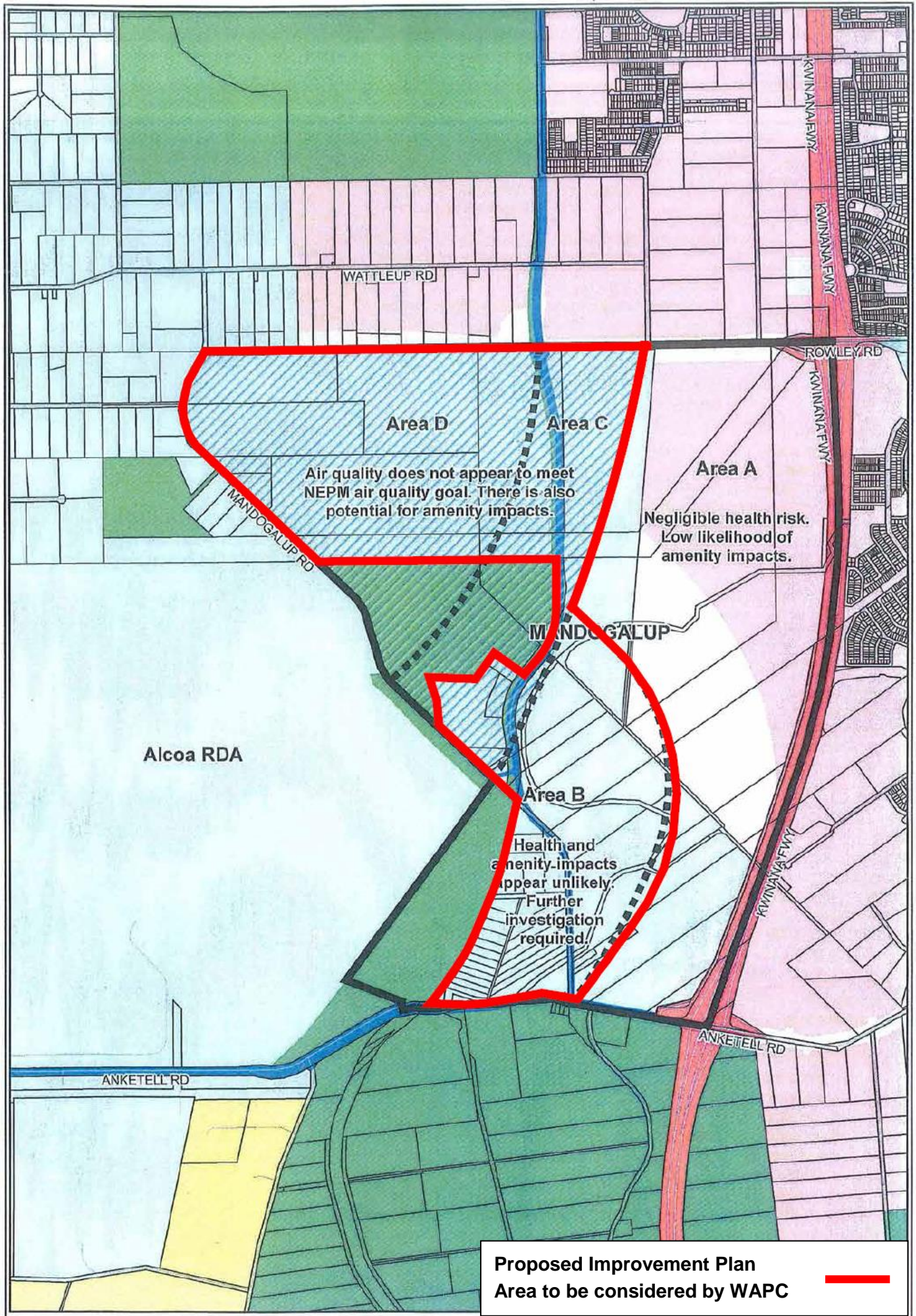
An improvement plan and improvement scheme is proposed to be placed over these areas. Existing rural living activities remain unaffected, however the improvement plan may allow for a possible up-zoning of land to “Industrial” in the future. Future development will be subject to further investigation by the WAPC. If an improvement plan is adopted for the area, the WAPC becomes the responsible authority for land use planning.

III. Residential development in surrounding areas

New residential subdivision/ development in Mandogalup, and surrounding land in Hammond Park and Wattleup, will be subject to notifications on titles advising future residents of potential amenity impacts associated with dust.

What does it mean for industry in the Kwinana Industrial Area?

- The improvement plan and scheme will allow for greater certainty for Industry and ensure adequate separation from new residential populations and strategic/heavy industrial activity.
- Existing and future industrial developments will still be required to comply with all relevant planning and environmental requirements.



Proposed Improvement Plan
Area to be considered by WAPC



Addendum

Following a meeting with the Mandogalup residents on 18 May 2018, please note that the WAPC will investigate and give consideration to all development scenarios, Rural, Urban and Industrial, for the area proposed to be placed under an improvement plan for Mandogalup.