

22 April 2024



Mandogalup Improvement Scheme Project Team
Infrastructure Planning and Policy
Department of Planning, Lands and Heritage
140 William Street
Perth WA 6000

Sent via email: infrastructure@dph.wa.gov.au

DRAFT MANDOGALUP IMPROVEMENT SCHEME NO. 1

Dear Mandogalup Improvement Scheme Project Team,

The Chamber of Minerals and Energy of Western Australia (CME) is the peak representative body for the resources sector in WA. CME is funded by member companies responsible for 86 per cent of the State's mineral workforce employment.¹

In 2022-23, a surveyed sample of these members directly employed over 9,800 residents from the Western Trade Coast (WTC) on a full-time basis, with the sector's supply chain spending indirectly supporting the employment of another 32,000 residents in the area.² This supply chain spending included payments to 1,244 local businesses, 22 community organisations and 3 local councils with a primary place of trade in the WTC.

CME does not support the draft Mandogalup Improvement Scheme No. 1 (the draft Scheme). We do not feel it provides existing industrial activity with adequate buffers, land use separation or transition in the Scheme area. Specifically, we are concerned it will not provide either existing and future industrial activity (i.e., land use terms 'industry', 'industry – extractive', 'industry – light' and 'mining operations') and their associated infrastructure (i.e., land set aside for infrastructure services and freight corridors to/from the port via regional road reserves such as Thomas-Anketell Road) with regulatory certainty on managing competing land uses.

We recommend that future intensification of any land use type across the Scheme's proposed zones in section 23 should be compatible with existing industrial activity. In addition, we strongly recommend the revision of the following zones and their corresponding areas in the Scheme Map:

- 'Residential' – We note the draft Scheme does not explicitly protect residential uses in the event of a natural disaster impacting existing industrial activity such as tailings. We consider section 87(2)(iii)(r) to (s), which is undertaken at the development approval stage, is insufficient to address the *'possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk... [and] the possible risk to human health or safety'*.
- 'Service Commercial' – It is uncertain whether *'wholesale sales, showrooms, trade and services'* will attract the public and negatively affect large vehicular access.

To ensure adequate separation and transition of industrial activity from sensitive land uses, we also do not support the permissibility of the following land uses in section 24:

- The land use 'Brewery' classification should change from 'P' to 'D' or 'X' in the 'General Industry' zones. As seen with breweries across Western Australia, this could mean the premise will be open to the public.
- Since it is a sensitive land use with susceptible people, the 'Child Care Premises' classification in the 'Local Centre' zone should change from 'A' to 'X'. We also note the November 2022 'Draft Position Statement: Child care premises' lists the extractive industry as an 'undesirable characteristic'. We, therefore, support prohibiting all land use with vulnerable populations in the Scheme area. A consistent prohibition will align the draft Scheme with other industrial areas and precincts of similar industrial activity across WA (i.e., Port Hedland West End Improvement Scheme No. 1).

In the absence of avoiding land use conflict ex-ante, we provide in-principle support to using minimum primary controls in section 37. However, robust risk-based assessments and contemporary guidance on separation

¹ Government of Western Australia, [2022-23 Economic indicators resources data](#), full-time equivalents onsite under State legislation, Department of Energy, Mines, Industry Regulation and Safety, 10 November 2023.

² Represented by the City of Cockburn, Kwinana and Rockingham. CME, [2022-23 Economic Contribution to Australia](#), 18 March 2024.

distances should adequately inform these minimum primary controls. The precautionary principle should be applied when there are unknowns on existing or future industrial activity, such as natural disasters, Global Advanced Industries Hub, Westport and the required transport infrastructure to support these visions. For example:

- The 'high growth scenario' under the benchmark analysis with other major Australian ports (technical appendix D) could significantly increase because of Western Australia's unique opportunity to participate globally in the critical minerals or new energies value chain. Because of our geological wealth, proximity to markets and strength of existing industries, the Port of Melbourne does not have the same economic diversification potential as the WTC. We, therefore, recommend erring on the side of caution when modelling future industrial land supply and demand across the Scheme area. As a transition zone next to the Kwinana Strategic Industrial Area, any new land use development or intensification of existing land use in the proposed Scheme area should be compatible with nearby strategic land uses.
- In late 2019, CME hosted the Global Tailings Review workshop in Perth and Kalgoorlie to assist in developing the Global Industry Standard on Tailings Management. Co-convened by the International Council on Mining and Metals, the United Nations Environment Programme and the Principles for Responsible Investment, the standard represents international best practices on tailings storage facilities with several of our member companies across multiple commodities committed to meeting these requirements. Therefore, we strongly recommend the WA Planning Commission consider the consequence of tailings dam failure when determining appropriate land use in the Scheme area and other industrial areas across Western Australia.

For consistency and avoidance of doubt, we also recommend that neighbouring areas of the proposed Scheme area be compatible with the draft Scheme's proposed land use transitions and minimum primary controls. Such an application will encourage best-practice town planning and help manage cumulative impacts across the WTC (e.g., Kwinana Industrial Area, Rockingham Industry Zone and Latitude 32). Reiterating our 2021 policy position,³ CME considers that developing a collective vision or using a planning instrument with a binding effect on multiple local governments could be helpful in this instance.

Lastly, noting that Main Roads WA's proposal to upgrade Anketell Road will consider other land use proposals within 5 kilometres (i.e., cumulative impacts) and will be referred to the Department of Climate Change, Energy, the Environment and Water as a matter of national environmental significance, we recommend sufficient flexibility is built into the draft Scheme to accommodate future modifications to reserves.

Should you have questions regarding this submission, please contact Aaron Walker, Manager – Industry Competitiveness and Economics, on 0477 679 195 or at A.Walker@cmewa.com.

Yours sincerely



Adrienne LaBombard
Director – Policy & Advocacy

³ CME, [Planning Reform Phase 2](#), submission to the Department of Planning, Lands and Heritage, 31 August 2021.