

IMPROVEMENT PLAN No. 42

ANKETELL STRATEGIC INDUSTRIAL AREA



WESTERN AUSTRALIAN PLANNING COMMISSION

23 June 2015

(Amended 21 June 2016)

IMPROVEMENT PLAN NO. 42

ANKETELL STRATEGIC INDUSTRIAL AREA

1.0 Introduction

- 1.1 Under section 119 of the *Planning and Development Act 2005*, the Western Australian Planning Commission (WAPC) is authorised to certify and recommend to the Minister for Planning that an improvement plan should be prepared for the purpose of advancing the planning, development and use of any land within the State of Western Australia.
- 1.2 The improvement plan provisions of the *Planning and Development Act 2005* state the WAPC, with the approval of the Governor, may:
 - a) Plan, replan, design, redesign, consolidate, re-subdivide, clear, develop, reconstruct or rehabilitate land held by the State under the *Act* or enter into agreement with an owner of land not held by it within the Improvement Plan Area;
 - b) Provide for the land to be used for such purposes as may be appropriate or necessary;
 - c) Make necessary changes to land acquired or held by it under the *Act*;
 - d) Manage the tenure of ownership of the land or any improvements to that land held by it under the *Act* or enter into agreement with other owners of land within the Improvement Plan Area for the same purposes;
 - e) Enter into agreement for the purchase, surrender, exchange, vesting, allocation or other disposal of land, including the adjustment of boundaries;
 - f) Recover costs in implementing the agreement with any owner of land within the Improvement Plan area; and
 - g) Do any act, matter or thing for the purpose of carrying out any agreement entered into with other landowners.
- 1.3 Improvement Plan No. 42 is prepared pursuant to section 119 of the *Planning and Development Act 2005* to advance planning for the Anketell Strategic Industrial Area, conferring on the WAPC the authority to undertake the necessary tasks to plan for and progress the project on behalf of the Western Australian State Government.
- 1.4 The Anketell Strategic Industrial Area is that land outside the area of the proposed Anketell Port and infrastructure corridor that comprises land necessary for infrastructure, industrial activity and buffer associated with port and resource processing activity.

2.0 Background

- 2.1 In 2010, the State Government announced an initiative to create a deep-water port for the Pilbara at Anketell. A multi-user port is intended to export a range of commodities, predominantly hematite and magnetite ores. The ultimate export capacity of the port is expected to be at least 350 million tonnes per annum. The port will be developed in stages over a period of time.
- 2.2 In association with the port, industrial areas are intended to accommodate downstream resource processing industries, thereby adding value to export commodities, generating employment opportunities and providing associated economic benefits, including opportunities for Traditional Owners. General industrial activity is also intended to support the development of the port, transport and mining operations. Industrial areas are to be positioned to enable efficient access to transport infrastructure (such as road, rail and conveyors) and utility services (including power, water and communications).
- 2.3 The Department of State Development is the lead agency for the various approval processes for the port and industrial areas, with LandCorp managing the planning work needed to facilitate the subsequent subdivision and development of industrial land. Construction of the port and the provision of associated infrastructure is reliant on funding by builders and users of the port. Similarly, development of industrial areas will be instigated by proponents.
- 2.4 During the land acquisition phase of the Anketell Port and Strategic Industrial Area Project, the State was required to negotiate with the Ngarluma people who were awarded native title rights and interests. As provided for by section 31 of the *Native Title Act 1993* (Commonwealth), a deed for the compulsory acquisition of native title rights and interests was agreed for the first stage requirements of the industrial lands. In addition an Indigenous Land Use Agreement was entered into which, *inter alia*, provides for LandCorp as the Industrial Area Manager and the Ngarluma Aboriginal Corporation to have an ongoing relationship, particularly in respect to the heavy industrial lands.
- 2.5 The Anketell Port and Strategic Industrial Area Project is subject to future agreements between the State and proponents that address the provision of infrastructure as well as terms of access to land and infrastructure. As such, it is important for the Anketell Port and Strategic Industrial Area Project to be subject to State jurisdiction. The port area and associated infrastructure corridor is expected to be governed by the provisions of the *Port Authorities Act 1999* with industrial and industrial protection areas subject to an improvement scheme under the *Planning and Development Act 2005*. These arrangements enable the State to effectively manage the investment agreements and the necessary approvals with proponents.
- 2.6 The Improvement Plan has been prepared following consultation with the City of Karratha.

3.0 Purpose

The purpose of Improvement Plan No. 42 is to:

- a) Enable the WAPC to undertake all necessary steps to advance the planning and development of the Anketell Strategic Industrial Area as provided for under Part 8 of the *Planning and Development Act 2005*;
- b) Establish the strategic planning and development intent for the Anketell Strategic Industrial Area;
- c) Provide for a strategic planning framework endorsed by the WAPC, Minister for Planning and the Governor;
- d) Authorise the preparation of an improvement scheme for the Anketell Strategic Industrial Area;
- e) Provide the objectives of the Improvement Scheme; and
- f) Provide guidance to the preparation of statutory plans, statutory referral documentation and policy instruments.

4.0 Improvement Scheme

- 4.1 Section 122A of the *Planning and Development Act 2005* enables the WAPC to introduce an improvement scheme in areas where an improvement plan is in place. Where applied, the provisions of an improvement scheme will prevail over the applicable local planning scheme.
- 4.2 This Improvement Plan authorises the making of an improvement scheme, by resolution of the WAPC and approval of the Minister for Planning.
- 4.3 The Improvement Scheme made under this Improvement Plan will be informed by the following objectives:
 - a) To establish industrial development areas that enable the establishment of resource processing industries and associated supporting activity.
 - b) To provide industrial development areas that:
 - i. are ready for subdivision and development;
 - ii. are sufficiently flexible to accommodate the varying needs of future proponents;
 - iii. achieve beneficial economic, environmental, and community outcomes by encouraging synergic interactions between business activities consistent with the principles of industrial ecology;
 - iv. are protected from the encroachment of incompatible uses;
 - v. incorporate environmental management arrangements that minimise impact on the natural environment; and
 - vi. respect sites of heritage significance.
 - c) To provide that the planning, development and use of land the subject of the Iron Ore (Robe River) Agreement as ratified by the *Iron Ore (Robe River) Agreement Act 1964* (as that agreement may be varied from time to time) is in accordance with and as contemplated by or under that agreement.

5.0 Improvement Plan Area

Improvement Plan No. 42 incorporates the subject area depicted on the attached WAPC Plan Number 3.2621.

6.0 Affected Local Governments

The City of Karratha will be affected by Improvement Plan No. 42.

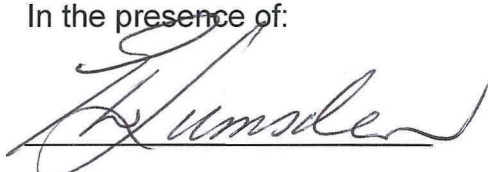
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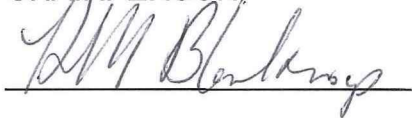
CERTIFICATE

This amended Improvement Plan is accompanied by a Certificate given in accordance with Part 8 of the Planning and Development Act 2005. It has been endorsed by the Western Australian Planning Commission for submission to the Minister for Planning.

The Common Seal of the Western Australian Planning Commission was hereunto affixed
In the presence of:



CHAIRPERSON



SECRETARY

16/5/16

DATE



THIS RECOMMENDATION IS ACCEPTED:



MINISTER FOR PLANNING

25/5/2016

DATE

THIS RECOMMENDATION IS ACCEPTED:



GOVERNOR

8 JUN 2016

DATE

WESTERN AUSTRALIAN PLANNING COMMISSION
AMENDMENT TO IMPROVEMENT PLAN NO. 42
CERTIFICATE AND RECOMMENDATION

PURSUANT TO PART 8 OF THE PLANNING AND DEVELOPMENT ACT 2005 IT IS HEREBY:

1. CERTIFIED THAT FOR THE PURPOSE OF ADVANCING THE PLANNING, DEVELOPMENT AND USE OF THE LAND AT THE ANKETELL STRATEGIC INDUSTRIAL AREA, AS DEPICTED ON WESTERN AUSTRALIAN PLANNING COMMISSION PLAN NUMBERED 3.2621 ANNEXED HERETO, PROVISION SHOULD BE MADE FOR THE LAND TO BE USED FOR SUCH PURPOSES AS MAY BE APPROPRIATE OR NECESSARY FOR THE DEVELOPMENT OF FACILITIES THAT SUPPORT THE EXPORTATION OF A RANGE OF COMMODITIES, AND COMPATIBLE INDUSTRIES; AND
2. RECOMMENDED TO THE MINISTER FOR PLANNING AND HER EXCELLENCY THE GOVERNOR THAT THE LAND AT THE ANKETELL STRATEGIC INDUSTRIAL AREA SHOULD BE USED FOR THIS PURPOSE AND BE MADE THE SUBJECT OF IMPROVEMENT PLAN NO. 42 (AMENDED TO INCLUDE 4(3)(c)) AS DEPICTED ON THE PLAN ANNEXED HERETO.

THIS CERTIFICATE AND RECOMMENDATION IS GIVEN IN ACCORDANCE WITH A RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION PASSED ON 12 APRIL 2016.

THE COMMON SEAL OF THE WESTERN AUSTRALIAN PLANNING COMMISSION WAS HEREUNTO AFFIXED IN THE PRESENCE OF:



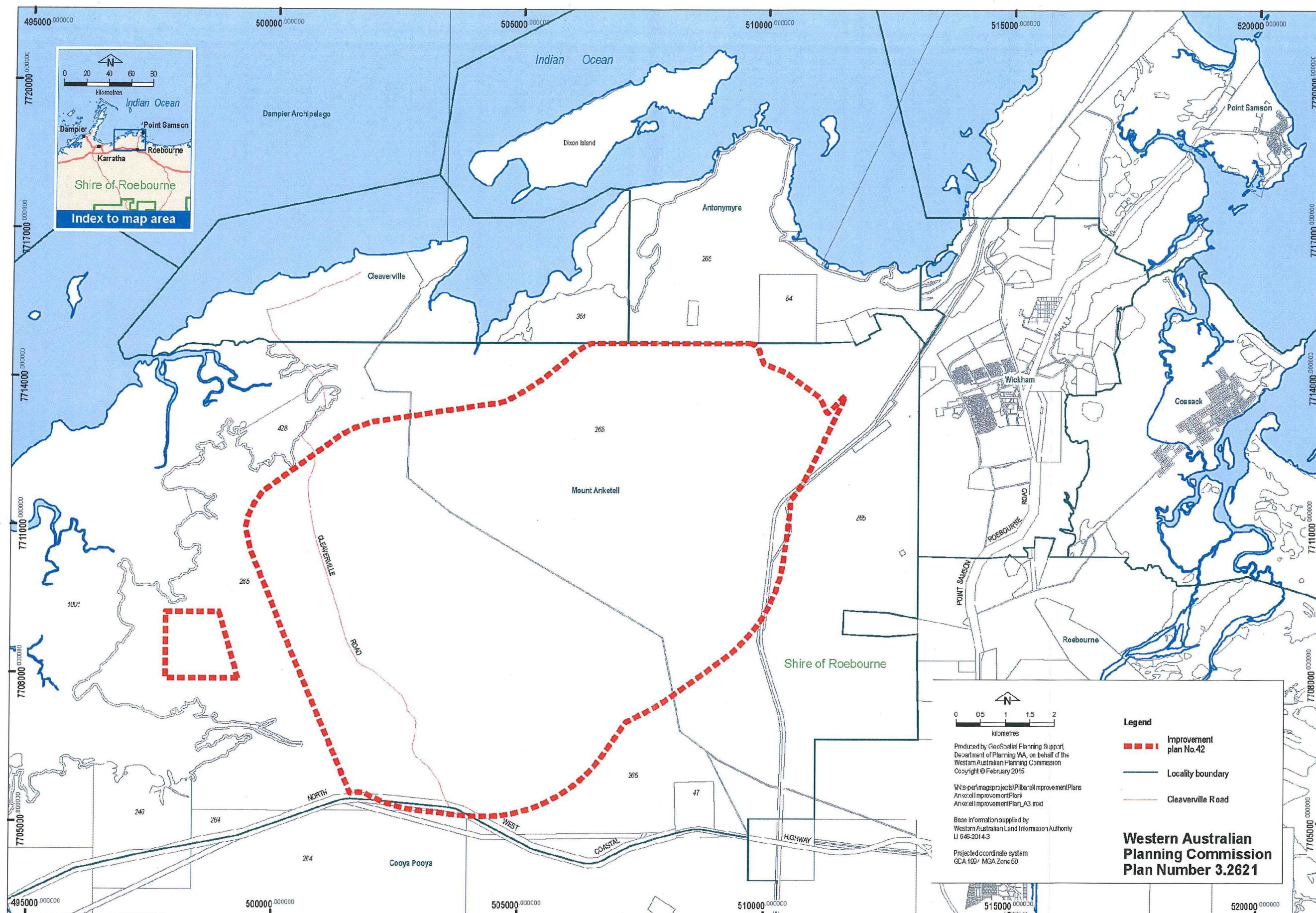
CHAIRPERSON



SECRETARY

16/5/16
DATE





Improvement Plan No.42 Ankettell Strategic Industrial Area