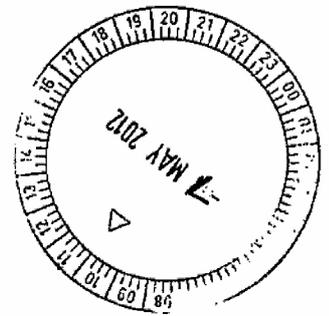


153 Fawcett Road
Munster WA 6166



Standing Committee on Environment and Public Affairs

Parliament House
Havelock St
West Perth WA 6860

Attention: Chairman, Mr Brian Ellis

29th April 2012

Dear Mr Ellis,

Re: Petition in Relation to Kwinana Air Quality Buffer Zone – Submission by Principal Petitioner Robyn O'Brien

We did not know of the existence of the Parliamentary Commissioner for Administrative Affairs nor if this would quickly address our complaint re the KAQB which is immediate and urgent?

I have attached my submission for consideration by the Committee and thank you for considering our request.

Yours sincerely

Robyn O'Brien

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Submission on Petition No 150 - Kwinana Air Quality Buffer Zone (KAQB)

The Corp wants an expansion of the KAQB to include a 750m Buffer to prevent new residential.

A buffer will not protect 26 existing homes and families already living within the proposed buffer area from odour pollution. WE WANT PROTECTION FROM THE THREAT OF POLLUTION by no buffer.

- A buffer **ALLOWS** the Corp to operate its plant to emit noxious odours within the buffer, over existing residents, adversely affecting the clean air currently enjoyed by us. The area affected is 56 acres and over 126 people. Odour will not stop at an imaginary line but will affect new adjoining urban areas. We are fighting to prevent what has happened to residents in Beeliar re Cockburn Cement and near the SMRC happening to us.

The EPA Act 1986, Sect 53 says “the occupier of any prescribed premises, who, if to do so may cause an **emission** of waste, noise, **odour** or electromagnetic radiation emitted, from the prescribed premises- by altering the method of operation or construct, alter or install any equipment on the prescribed premises for treatment of waste prior to and for the purpose of, the discharge of waste **COMMITTS AN OFFENCE**. Sect 49 says an unreasonable emission is one that unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person. A buffer allows industry to emit pollution, in our case odours, over our families in breach of the EPA Act.

The Corp’s request for the 750m buffer in the KAQB is based on a 2011 Odour Study called the OMMR. This report contains a contour line that says that for 99.9% of the year there will be no odour above 5OU which is an acceptable limit. To get this contour the “expert” has inputted wind file data, odour sampling by sniffers in a lab, and guesstimates of fugitive emissions; that is leaks or accidents that may occur in future. **This 2011 Study was found by the DEC in 2011 to be technically unverifiable and has no scientific evidence to support a 750m odour buffer.** The Corp’s past five Studies were found to be unverifiable /technically inaccurate and unable to define a 750m buffer.

- Their 1996 Odour Study used to define a 250m Urban Deferred area east of Lake Coogee within an “odour buffer” here **was finally admitted by Corp lawyers in 2007 to NOT EXIST.**
- Their 1999 Odour Study was false, the total emissions that were modelled included 236,000ou’s from the Sludge Drying Beds that had been de-commissioned two years before.
- In 2003 their Odour Study was false in that it claimed that the false emissions of 1999 of 526,000ou’s and the 2003 emissions total of 297,000ou’s showed a 48% reduction of odour when in fact there had been an increase of odour by 7,000ou’s even though they had covered all the primary plant. The Corp had newly built the SBR in 2000 **UNCOVERED** instead of Covered, which emitted a new 162,000ou’s. This was a breach of their licence conditions.
- The 2005 Corp study was found by two separate Independent reviews to over estimate odours by 1.5 kilometres to the east where they wanted justification of a buffer. **The EPA concluded that there “was no technically defensible reason for a long term buffer at that stage.”** The Environment Minister put Conditions on the WPWWTP licence saying they must reduce odours by 50% within 3 yrs by Nov 2008, they must further reduce odours to below the accepted criteria at the nearest odour sensitive premises which is our home, and if not practicable then resolve land use conflicts with landowners. The odour controls were spectacularly successful. All of the odorous sources are covered and odorous air treated in scrubbers so that 99.9% of odour is captured and nil emitted into the environment.

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- There have been no odour complaints in the last 3 years from any area surrounding the plant including the proposed buffer area.
- There is no scientific justification for the buffer but the Corp now says it as a “safety net”.
- In 2003 then Minister for Water Nick Griffiths wrote to Cabinet asking for WA Water Corp wastewater treatment plant buffers to be in Environmental Protection Policies because then “landowners could not apply for compensation whereas if in a SPP owners could apply.”
- In 2004 and 2005 the Cockburn Council twice tried to rezone our land from Development Zone backwards to Parks and Recreation or Rural Living to reflect the buffer. FOI documents say the DPI, Council and Water Corp had plans for a secret gold course. Despite the DEC’s requirement to reduce the buffer from 750m to east edge of Lake Coogee or 500m in 1999; the Corp wrote to the DPI in 2001/02 asking for a 750m buffer to be included in the KAQB.
- The landowners waited 7 yrs for a scientifically verifiable Odour Study to be completed by the Corp to determine the size and extent of an odour buffer here as required by the EPA .
- **The Corp OMMR 2011 was said by DEC in July 2011 to be scientifically unverifiable.** We believe the Corp asks the government to decide on the precautionary planning principle of if you are not sure, restrict development, and leave a buffer in place. This is the “safety net” .
- The SPP 4.1 and the EPA’s Guide to Separation Distances says that large wastewater treatment plant buffers must be scientifically determined for equitable outcomes for landowner and industry benefit. The community commissioned a Buffer Definition Study in Sept 2011 called the PAE HOLMES report, which MLA Lyn McLaren attached to her submission. The author of the report was commissioned by the EPA in 2005 to define odour criteria for Odour Buffers around Wastewater Treatment Plants in WA. **The report says there is no scientific justification for an odour buffer around the WPWWTP of 750m.**
- The placement of a buffer has already devalued our homes and no one has been able to sell because of the buffer in the last 10 years although four including us have tried. A buffer prevents our 56 acres of prime residential land being rezoned urban consistent with the zoning of the four new residential developments of surrounding areas.
- **The Council put a formal buffer on us in TPS No 3 in 2002 without advertising this, nor notifying any affected owner or allowing public submissions or comment.** Recent FOI documents show that Planning Director for Cockburn initiated Development Zones used to restrict/ control development on privately owned property for the establishment of buffers.
- The Water Corp was a member of the WAPC’s Technical Working Group and Infrastructure Co-Ordination Committee in 2007 which recommended the buffer in the KAQB despite letters from our lawyers that this was a conflict of interest. Our request for the group to reconsider was refused. The Technical Working Group never saw the two independent reviews of the Corp’s study so was not making a recommendation based on any scientific evidence.
- Requests to the Chairman of the WAPC’s Western Trade Coast Industry Committee (which will recommend the buffer) to the Minister were refused. Requests to meet Ministers for Planning and the Environment in 2011, the CEO of the Water Corp and the Cockburn Council to resolve land use conflicts were refused. Applications for development have been refused

The Corp has delayed since 2001 to get the 750m buffer through the WAPC’s KAQB . We have been prevented from being part of any meeting, consultation or decision making. If a decision is made for a buffer despite being no odour, which will allow odour pollution over us; please quickly compensate residents for the full market value of our properties . The delays have gone on for 20 yrs since 1992.

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