

## COMMITTEE REPORTS - CONSIDERATION

### *Committee*

Hon George Cash (Chairman of Committees) in the Chair.

#### *Standing Committee on Environment and Public Affairs - Petition Opposing the Gnarabup Waste Water Treatment Plant - Third Report*

Resumed from 5 December on the following motion moved by Hon Bruce Donaldson -

That the report be noted.

Hon BARRY HOUSE: I have taken a particular interest in this issue because of the locality in Margaret River, where my office is situated. I guess I look at the issue a little differently from other people and from the promoters of the petition. The promoters of the petition included this issue in a whole range of other planning issues relating to Gnarabup, which is a coastal development in Margaret River.

I have mentioned once before in this place that the very mention of Gnarabup makes me break out in hives, because the place has been a constant source of friction, division and antagonism in the local community for the past decade, and it is still going on. I want to concentrate on one aspect of the Gnarabup situation, which is the location of the waste water treatment plant virtually on the primary dune at the beachfront in Gnarabup. It is an amazing location for a waste water treatment plant. I said in evidence to the committee when it visited Margaret River that I was astounded that the siting of the waste water treatment plant was ever approved in the first place. It is a totally inappropriate site for a waste water treatment plant. It is in a prime residential and tourism area; it is located on a primary dune. History has borne out that it is an untenable situation, which has to be resolved in the future. Let us hope it is in the near future.

In considering the establishment of the waste water treatment plant, I do not want to point the finger at either the Water Corporation or the developer. The developer built the plant on behalf of the Water Corporation and handed it over to the Water Corporation for operation. The problems lie with the planning process. The developer fulfilled all his obligations and provided a technically sound waste water treatment plant. The Water Corporation took over the treatment plant and upgraded it a few years ago. It is operating a technically sound waste water treatment plant. The problems do not necessarily lie with the past in respect of the developer and the Water Corporation. It is untenable for the plant to continue in its present location. A suitable solution is available; however, it will cost money. The money has to be found.

A few years ago, when I was a member of the previous Government, I convened a meeting of the various stakeholders. The Water Corporation undertook to conduct a feasibility study into options to solve the problem. The most suitable and obvious solution is to turn the waste water treatment plant at Gnarabup into a pumping station and to pump the waste to the Margaret River waste water treatment plant. That plant has just been upgraded and is now very modern and efficient. The treated waste water could then be returned for use at the Margaret River Golf Club and public open space in the Gnarabup and Prevelly regions. That is the obvious solution. Somehow or other, the process has to come up with the resources to deliver that. That has been the aim of the local community and the shire. It is also in the interests of the developers at Gnarabup to achieve that outcome.

About 18 months ago the Water Corporation presented a feasibility plan to the local community. In the meantime, it had managed to source a federal grant, which is detailed in the report. It obtained \$250 000, which represented approximately one-third of the total cost of the project.

Hon Ken Travers: Was that the capital cost of the project?

Hon BARRY HOUSE: Yes. The grant was from the coasts and clean seas program. Unfortunately, it has now been lost through the effluxion of time. That is a great pity because it would have given the project a great kick-start. When the Water Corporation reported to the local community I was not impressed. The Water Corporation presented a technical report outlining the costs and the technical factors involved in the process. It did not commit any resources; it wanted resources to come from other parties. It already had one-third of it in its hands through the federal grant, and it was looking to the local community, through the Margaret River Golf Club, to provide the remainder. That was unreasonable, and it will have to modify its ask to achieve this outcome. The Water Corporation should be giving the water away. It would be doing the community a favour by returning the treated waste water for productive uses such as for the golf club or public open space. Unfortunately, the Water Corporation put on its commercial hat rather than its community services hat and looked at it as a commercial venture and attempted to strike a cost to the Margaret River Golf Club that was out of its reach and unreasonable. The Margaret River Golf Club would still welcome the treated waste water. I am

an optimist; I believe that one day the treated waste water will end up on the Margaret River Golf Club course. That will make the Margaret River Golf Club course one of the most magnificent courses anywhere. It is already a very nice course, but it will only get better if good, reliable quantities of water can be found to put onto the course.

I commend the committee for the work it has done on this petition. It has taken a very keen and direct interest and has followed it up with public hearings and a considerable amount of research, which has produced an excellent report. The recommendations are interesting, because they not only outline the history of this rather tortured project but also provide a way forward. The main recommendation is that the treatment plant be converted into a pumping station and the water pumped back to the Margaret River treatment plant for treatment and reuse on the Margaret River Golf Club course and open space. I suggest that would have the concurrence of 100 per cent of the local community. The second recommendation, which is particularly interesting, is that the Department of Planning and Infrastructure be required to contribute to the cost of solving the problems created by the construction of the treatment plant, including a contribution towards the cost of converting the treatment plant into a pumping station. The committee has obviously taken due recognition of the history of this project in forming that view.

Hon LOUISE PRATT: I visited the pumping station with the committee. It was certainly an eye-opening experience and I concur very much with the committee's conclusion that the plant is inappropriately located. The visit was also very interesting from the point of view of learning all about the processes that are involved in this form of sewage treatment. I was reasonably impressed with the ability to treat sewage. However, there are outstanding questions about the impact of the treatment plant and the process of leaching the waste product into the water and the rocks below and the testing that goes with that. One of the recommendations in the report is that water quality testing needs to be undertaken by the Water Corporation in the vicinity of the treatment plant and the results provided to the Shire of Augusta-Margaret River for public information. The committee had some concerns about the type of testing currently being undertaken. We heard some evidence that the testing was not properly taking into account the topography of the area, in particular the cavernous and fractured nature of the limestone. It has been inappropriately sited in a prestige tourism precinct, which is a very beautiful area. Upon driving down to the beach, past the Gnarabup settlement, it was obvious that the sewage treatment plant was a great eyesore for all to see. It interrupts the landscape and is contrary to the values we would expect in an area such as that.

In its thorough examination of the approval process, committee members became thoroughly bewildered over how such a development could have been allowed to proceed. An analysis of who was ultimately responsible for approving the plant revealed many contradictions. There seemed to be much buck-passing about who was the proponent. Excuse me, Mr Chairman, I seem to be having a little trouble hearing myself think due to my colleagues' conversation behind me.

The CHAIRMAN: They are Labor members.

Hon LOUISE PRATT: The approval process, albeit a legal one, caused the committee great concern. It failed to take into account advice from the Environmental Protection Authority. It was inconsistent with the Augusta-Margaret River Shire Council's visual resources assessment, and it did not conform to the shire's town planning scheme or the Prevelly Park development guidelines. It was considered a couple of times by the Environmental Protection Authority. On the second occasion, when the EPA looked at the new plans, it said clearly that it could not be viewed as the same proposal that the EPA initially agreed to assess informally and that, if the proposal could not be made consistent with the Prevelly Park development guidelines, the EPA might consider that the proposal required formal assessment. The EPA also noted that the proposal did not comply with the then Water Authority's buffer requirements. Despite that, the South West Regional Planning Commission approved the development, the consequences of which are a very ugly treatment plant located on a pristine coastline.

The failure of the South West Region Planning Committee to take account of the buffer zone requirement resulted in the treatment plant flooding, following some rain, which impacted on local residents. The Water Corporation requires that a buffer be established between treatment plants and housing. In this case, the buffer zone was not established because the developers were given permission to bypass the requirement just to suit their quick-fix solution. That impacted badly on residents after pollution problems had occurred a number of times.

Perhaps the greatest motivation for the inappropriate siting of this plant was a quick-fix development proposal for the least cost without due consideration of the long-term implications of sewage treatment in the area. It was probably motivated by the developers wanting to expedite the development. A treatment plant was therefore built that is suitable only for the small development in Gnarabup. The South West Region Planning Committee failed to integrate the sewage needs of Gnarabup with those of the Gnarabup-Prevelly Park area. It appears that

the development was under pressure to proceed and that it was easier to approve the development than find adequate solutions to the Prevelly Park area sewage problems. However, that signifies a greater problem. There has been a large amount of investment in this sewage treatment plant. After it was initially built, it had to be upgraded because of the subsequent failure. There is a significant amount of capital investment in this plant, which is quite wasteful because of the lack of strategic direction given to that decision. It would have been far more desirable to integrate it into solutions for the Prevelly area as a whole.

There was considerable confusion and misunderstanding between the various government agencies and departments and the shire council about the interpretation of section 32 of the Town Planning and Development Act in relation to the approvals for works and also in relation to the identity of the proponent for the treatment plant. Some people said that the proponent was the developer, some said that it was the Water Corporation and others said that it was the South West Development Commission. Therefore, there was a considerable lack of accountability in people being prepared to take ownership of the problem.

There are some considerable lessons to be learnt from this problem. I dread to think of such an inappropriate siting of this type of sewage processing works on our shoreline today, although it was not very long ago that this took place - in the early 1990s. I understand from the committee's deliberations that some of these procedures have changed with the changes in the structure of the Water Corporation and the Office of Water Regulation. However, due to the level of confusion, I still do not have great confidence that such developments in other areas of the State will be prevented as a matter of course in the future. Those areas probably do not have planning systems that are as well integrated as are those in the metropolitan area. I hope that, in the long term, the committee's recommendations are implemented, and I will certainly do my bit to assist that to take place.

Hon BARRY HOUSE: The previous speaker's comments were interesting. I agree with her in one respect; a crack in the planning process has caused this situation to emerge. However, I believe some of the member's comments departed from the actual situation. The whole Gnarabup planning process was subjected to community involvement and consultation from the start. The approvals were granted in the early days after the South West Region Planning Committee was established. That is probably when the problems arose. Some of the problems with this waste water treatment plant and other issues associated with Gnarabup were not foreseen by the community when this started in 1992, and the community objections did not emerge until later. That is where I depart from the previous speaker's sentiments. I am not sure that we can say with absolute certainty that the other aspects of the planning process are correct. We cannot say with absolute certainty at this stage that the planning aspects and the other aspects mentioned by the previous speaker conformed to the Augusta-Margaret River town planning scheme, because, unfortunately, those issues are still subject to legal action. That is why the whole issue has become so contorted and messy. The local shire has convened a group to negotiate with the developers over the total future planning of that area. This is critical, because litigation has begun against the local shire, which potentially exposes the shire to a liability of about \$5 million. That is an enormous potential problem for the local community. It must be resolved, hopefully by negotiation. If it is not resolved by negotiation, it will run its legal course. I cannot stand here and guarantee, as the previous speaker cannot, what the end result of that legal action might be. It might well cost the local community \$5 million or \$6 million. That would be a terrible result for the local community. I hope that the process put together by the local shire to negotiate and consult with the developer to try to reach a resolution is successful. An interesting committee has been formed. The local shire has actually appointed three members of the local action group to that committee. Those members will have virtually the same status as shire councillors when negotiating with the developers and other parties on this matter. That is interesting in broad terms as well as in terms of the local community.

Some comments have been made that only the views of the local action group will be represented, but that this is a much broader issue. The overwhelming majority of the local community is fed up to the back teeth with the ongoing disputes over the Gnarabup area, planning, development, and other issues, such as the waste water treatment plant. They want to put this issue behind them and get on with life. Many of them feel the same way that I do; that is, whenever Gnarabup is mentioned, they break out in hives. It is an unnecessary aggravation. Sure, some mistakes have probably been made. Some adversarial views and opinions have certainly been expressed. However, for God's sake, it is a magnificent part of the coast that an increasing number of Western Australians and international visitors are enjoying. It is an area in which people live and which they use as a playground. Those people want to get on with life without continued aggravation.

The views expressed by the previous speaker may have taken the side of the local action group on this issue. That is fair enough. In general terms, the action group wants to achieve a good outcome for the community. I have no objection to that. However, I caution that we should not jump to conclusions when there are ongoing issues. The committee is negotiating at the moment. Further legal action may result down the road. I earlier referred to the committee's recommendation -

That the Department for Planning and Infrastructure be required to contribute to the cost of solving the problems created by the construction of the Treatment Plant, including a contribution towards the cost of converting the Treatment Plant into a pumping station.

I endorse that recommendation and congratulate the committee for its lateral thinking, the result of which might find the resources needed to resolve this problem.

Hon Bruce Donaldson: It is a good, lateral-thinking committee.

Hon BARRY HOUSE: It is a very good, lateral-thinking committee. I know there are some innovative, well-travelled people on that committee, who have experience from all over the world in issues like this. I am sure that they will provide the benefit of that experience to the Parliament in the future.

The Department for Planning and Infrastructure should make a contribution to correct a situation in which it was involved in some way in the past. If that came to pass, that would be a great step forward not only in this situation but also in resolving future issues. It must be done properly. The last recommendation refers to the cavernous and fractured nature of the limestone. That is why I believe the long-term solution must be to pump the waste to Margaret River, well away from the coastal landforms. That whole coast is built on a limestone base. It is rather fragile, in a sense, and anything put into the ground there has dire consequences for the water flows throughout the whole region.

I do not want to say much more. The long-term solution must involve pumping the waste water to Margaret River. The same trench could then be used for another pipe to bring the treated waste water back to the Margaret River Golf Club, which should not be asked for the same level of contribution that it has been asked for in the past. In my view, it should be thanked for wanting to take the treated waste water. The golf club will turn its course into a magnificent facility. The long-term solution must involve deep sewerage at Prevelly as well. The Prevelly town site, next to Gnarabup, needs deep sewerage. At the moment it operates on septic systems, but there is plenty of evidence to suggest that the operation is already contaminating the underground water reserves and is filtering through into the dunes and onto the coast.

I congratulate the committee on suggesting a way forward. I know the Margaret River Golf Club and the Shire of Augusta-Margaret River are keen to see something happen. I urge the Water Corporation and the other parties to get behind it as well.

Hon JIM SCOTT: When I looked at this report again today, I realised that there was something in it that I wished I had pushed harder to have included in the recommendations. When people read the report, they can pick up the problem, but unless they read the whole report, they will not pick up something that is essential. We have seen in this case a gross failure of integration in the planning of a development that has been outside the normal town planning for that area. The South West Region Planning Committee failed to understand the implications of establishing a waste water treatment plant at a world-class tourism spot. The last of Hon Barry House's comments was one of the most relevant; that is, the committee failed to adequately appreciate that it was necessary to ensure that the sewerage needs of that whole area, including Prevelly, were taken into account when a sewerage treatment plant was constructed. The capacity of the one that existed was aimed at only one single development. To my mind, that was a mistake not by the developer but by the South West Region Planning Committee.

It is easy to set up city corporations such as the WA Planning Commission to make decisions for the south west region, even if the people in that area are consulted, without thinking through the wider implications of not only the development but also its effect on the wider regional community. This is a good example of how we have messed up. One of the recommendations should have been that we reassess the way in which we integrate proposals into the environment by taking into account all of the future social, environmental and economic impacts on the region. Certainly, tourism is important to the region. I do not think that has been done.

Another issue of concern is the absolute confusion that has taken place. Two structure plans were presented; the community was consulted about the first plan but did not see the second plan, which considered the waste water treatment plant at its current site. Many people might consider that to be a case of having the wool pulled over one's eyes. Whatever the reason, there was a lot of anger in the community because people had been shown a plan that was, in effect, not the true plan. That type of action will always make people feel as though they have been cheated, even if the decision is correct. In this case the decision was not correct and everyone now realises it was a mistake to put the plant where it is.

The shire obviously thought that the sewage treatment plant was a public works. Paragraph 13.10 of the report states -

The Committee notes that no formal development application for the Treatment Plant was assessed by the Shire of Augusta-Margaret River. The legality of the Treatment Plant may therefore be uncertain.

It further states -

The Committee finds the subsequent approvals by the Shire of Augusta-Margaret River, the EPA and WAWA were constrained by the pre-determined decision of the SWRPC in July 1993.

The council was faced with a fait accompli. A sewerage works had been built and was operating, and the council could not have it removed from that site because buildings were being erected. Moreover, the sewage had to go somewhere. The important aspect about this issue is that the South West Region Planning Committee's siting totally ignored - this is my opinion and not necessarily that of the committee's - the advice that came from the Environmental Protection Authority, despite claims that Mr Sippe's letter was not sent to the committee in time for the meeting and that the dates on the letter are incorrect. The matter is hard to accurately assess because it would be one person's word against another. According to the report, in his letter Mr Sippe stated -

*Insufficient work has been carried out to demonstrate to the EPA's satisfaction that the proposed site is suitable for the treatment of effluent. The proposed sewerage plant does not meet WAWA [the Water Authority of Western Australia] requirements for a 500 metre buffer between the plant and residential development.*

It was noted in paragraph 5.9 of the report that -

... any proposal to reduce the buffer would require air-modelling to demonstrate that odours would not impinge on residential development ... that it was necessary to demonstrate quantitatively that effluent from the Treatment Plant would not impact on the environment; for example, that effluent seepage would not impact on the foreshore reserve vegetation.

Paragraph 5.10 of the report states that Mr Sippe concluded that -

... because the proposal was not consistent with the Prevelly Park Development Guidelines, it could not be viewed as being the same proposal which the EPA agreed to assess at an informal level because that proposal did conform with the Prevelly Park Development Guidelines. Mr Sippe wrote that if the proposal could not be made consistent with the Prevelly Park Development Guidelines, then the EPA may consider that the proposal requires formal assessment.

For the South West Region Planning Committee to ignore that letter and make a note that it had it, rather than make it a central plank of its decision-making process, seems extraordinary. I find it unbelievable. I am concerned about the process if that sort of thing can occur. That committee and the minister in charge of it must reconsider what has happened here and make sure that future decisions are not made without the advice, the information and all the approvals that are required before these developments go ahead. It has been a total failing by that committee, which is why I support the motion that the Department for Planning and Infrastructure should help pay for any additional work to ensure that the sewage is directed to the golf course rather than into the ocean. Otherwise, it will be a danger to future tourism and a blight on the coast if the facility remains operating in the way it has.

Hon LOUISE PRATT: One of the previous speakers, Hon Barry House, expressed undue concern about my comments. His perception was that I had given undue weighting to the local community group. My comments are entirely consistent with the recommendations reached by the whole of the committee. My deliberations and insight into this issue were wholly derived from the various pieces of evidence presented to me during the committee process. I have had no contact with other groups outside of those processes.

There is validity to the grievances of the local community, as Hon Jim Scott said. The original plan was presented to the community; however, the community was not consulted about the second plan and the committee was concerned that the treatment plant may have been hidden somewhere in that documentation and did not come to the community's attention. That was evidence heard by the whole of the committee, with which, I am certain, the committee would concur.

With respect to current legal proceedings, those types of issues were not greatly delved into by the committee. The committee simply considered the flaws in the original process and based its recommendations on the current needs of the site. I am not up to date with contemporary legal issues surrounding this problem and I thank the member for enlightening me about some of them.

Question put and passed.

*Joint Standing Committee on the Anti-Corruption Commission - Annual Report 2001-02 - First Report*  
On motion by Hon Graham Giffard (Parliamentary Secretary), resolved -

That the report be noted.

Hon Barry House; Hon Louise Pratt; Hon Jim Scott; Hon Louise Pratt; Hon Graham Giffard; Hon Jon Ford;  
Hon Nick Griffiths; Hon Ljiljanna Ravlich

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*Standing Committee on Legislation - Overview of the Committee's Operations - First Session of the Thirty-Sixth Parliament - 1 May 2001 to 9 August 2002 - Seventeenth Report*

Hon JON FORD: I move -

That the report be noted.

I will make a brief comment on the operation of the committee. It has been a very hard-working committee. It has produced 16 reports over the period covered by this report. This is the first committee I have ever served on, this being my first term in Parliament, and I note particularly the candour and honesty of the members of the committee, from all parts of the political spectrum. There is genuine goodwill and a desire to achieve appropriate and pragmatic reports that best serve the people of this State. I particularly take note of the staff, who work a lot harder than the members of the committee because they must deal with the whims of the members. I support the motion.

Question put and passed.

*Standing Committee on Procedure and Privileges - Standing Order No 73, Time Limits on Speeches - Fifth Report*

Resumed from 5 December on the following motion by Hon George Cash -

That the recommendations of the Standing Committee on Procedure and Privileges, Report No 5, be adopted and agreed to.

On motion by Hon Nick Griffiths (Minister for Racing and Gaming), resolved -

That consideration of this report be postponed until after the consideration of report No 5 of the Standing Committee on Environment and Public Affairs on the Gene Technology Bill 2001 and Gene Technology Amendment Bill 2001, proposal to travel.

[Continued below.]

*Joint Standing Committee on Delegated Legislation - City of Melville Local Law Relating to Signs, Hoardings and Billposting - Fifth Report*

On motion by Hon Ljiljanna Ravlich (Parliamentary Secretary), resolved -

That the report be noted.

*Standing Committee on Environment and Public Affairs - Gene Technology Bill 2001 and Gene Technology Amendment Bill 2001 - Proposal to Travel - Fifth Report*

On motion by Hon Nick Griffiths (Minister for Racing and Gaming), resolved -

That consideration of this report be postponed until the next sitting of the House.

*Standing Committee on Procedure and Privileges - Standing Order No 73, Time Limits on Speeches - Fifth Report*

Resumed from an earlier stage of the sitting.

On motion by Hon Nick Griffiths (Minister for Racing and Gaming), resolved -

That consideration of the report be postponed until the next sitting of the House.