

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

INQUIRY INTO COCKBURN CEMENT LIMITED, MUNSTER

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 11 APRIL 2011**

SESSION FIVE

Members

**Hon Brian Ellis (Chairman)
Hon Kate Doust (Deputy Chairman)
Hon Phil Edman
Hon Colin Holt
Hon Lynn MacLaren**

Hearing commenced at 2.19 pm**OUGHTON, MR CHRISTOPHER****Director, Kwinana Industries Council, sworn and examined:**

The CHAIRMAN: On behalf of the committee I would like to welcome you along to the hearing today. Before we start, I will ask you to take either the oath or affirmation.

[Witness took the oath.]

The CHAIRMAN: You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

Mr Oughton: I have, thank you; yes.

The CHAIRMAN: These proceedings are being recorded by Hansard; a transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones and try to speak into them. Ensure that you do not cover them with papers or make noises near them. I remind you that your transcript will become a matter for public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Before I ask you to make an opening statement, I will introduce the members of our committee: Hon Phil Edman; Hon Lynn MacLaren; myself as Chairman; Hon Kate Doust as Deputy Chairman; and Hon Col Holt. Would you perhaps like to make an opening statement to the committee?

Mr Oughton: Thank you for that, and, yes, I would. Is a statement of about 10 minutes okay?

The CHAIRMAN: Yes.

Mr Oughton: Thank you.

Let me start by saying that the Kwinana industrial area is responsible for the generation of considerable wealth for the commonwealth, for the state and for local and regional communities. In 2005 the KIA was responsible for the generation of \$16 billion worth of economic activity, much of this in the form of local wages and salaries, and much in the form of local construction and maintenance contracts. There are 5 000 people directly employed by the companies who have full membership status of the Kwinana Industries Council—KIC—which include, obviously, Cockburn Cement, Alcoa, BP, Verve Energy, Tiwest; CSBP, Coogee Chemicals, Wesfarmers LPG, HIs melt; Nickel West, Fremantle Ports, and the Water Corporation. There are several big names on our associate member list, including Transfield, United Group, CBH, Nufarm—the list goes on.

The number one key strategic issue from our list of six strategic issues facing the very stability and sustainability of the KIA is the protection of the buffer, so the issue the inquiry has been convened to investigate, in my view, goes way beyond the problems being experienced in the northern end. It is a much, much bigger issue than that. I do not seek to diminish the problems being experienced by the parties—merely to get to the core of the problem. This, and the actual problem to the north of the buffer, will be the thrust of my submission, after which I am happy to answer any questions to the best of my abilities.

On the surface the issue appears to be a conflict between two parties—a company, CCL, and the neighbouring community. There is no denying that there is a conflict. If it is the goal of this inquiry to get to the bottom of how this situation arose, then it needs to look deeper than the activities of those two parties. If it is looking at culpability from within the two parties, then I am afraid it will miss the point because the symptom of the problem—the conflict—will remain the focus and the problem will go unresolved, to be yet again repeated, inevitably, elsewhere. This is happening, albeit in the early stages, and I will refer to this bigger picture problem later.

The current problem is what we observed as the conflict, and it is doubtful that the conflict can be resolved no matter how much bad press is generated, no matter how much capital is invested, and no matter how much regulatory muscle is applied. In my view, it is certain that the conflict cannot be resolved to the complete satisfaction of all parties. The solution to this conflict is not the forced closure of CCL. I doubt the community involved in this conflict wants this, and probably no party wants this. That being the case, the resolution of the conflict lies with parties and their willingness to resolve it. I will not make a comment on this, other than to say dialogue and realistic expectations are the key. I am a practical person and a realist, and on this basis that is my conclusion. The best outcome can only be found by the two parties working together constructively. Hype generated for the media around this conflict will only make it harder to reach an acceptable compromise and is, in my view, counterproductive.

This being the case, then what is the point of the inquiry? From KIC's perspective, the point of the inquiry is it must find out who made what decisions to create the underlying causal problem, and then to create recommendations and drive actions that ensure that it never happens again; anything less will be suboptimal. It is possible that there are some who have involved themselves in the conflict who may seek to have it escalate for their own self-promotion, and those parties—if they exist—should set their ambitions aside if this is their motivation; it is unhelpful. Unbelievably, though, this whole scenario—that which created the conflict—is about to happen again, and the process is being supported by the state and local planners. I ask: are we really that stupid that we would let it happen again? Apparently so, and again I will refer to this later.

The Kwinana EPP applies to an area governed by the three local governments—the Cities of Cockburn and Rockingham, and the Town of Kwinana. The Kwinana air quality buffer runs just north of the Cockburn Cement site, there is urban residential development right up to the edge of the buffer, and there are somewhere between 100 and 200 residential homes on rural-zoned land inside the buffer and reasonably close to Cockburn Cement. There are numerous quarries and areas where market gardening occurs in the area; there is also the Cockburn city tip site, as well as a foundry not too far away in the Henderson industrial area. Odours and/or dust are observed emissions from all of these activities. I have wondered in the past if the market gardens are also a source of airborne chemical spray residues, pesticides and the like. I wonder if the air has ever been tested for this; perhaps it should. At times I have personally observed massive dust emissions lifting off the market gardens and, on occasions, obsolete methods of applying chemical sprays from time to time.

CCL is located at the northernmost tip of Area B of the Kwinana air quality buffer, which incorporates all the major industrial premises in the Kwinana industrial area, all the way down to Rockingham, in the Latitude 32 industrial area development. The Latitude 32 area is a very large, new industrial area, which is mostly zoned rural, although it will transfer to “industry” over time. I am aware that there is substantial residential development built and planned outside the buffer zone. The buffer is pretty tight in these areas, but it is what it is. Anywhere where an industrial buffer is tight is more likely to be a source of distress, as is the case in the north of the buffer zone. I will table a copy of the plan out of the metropolitan regional scheme, to which this refers.

To the west of CLL and between Rockingham Road and the lake is land within the buffer that is zoned urban—this is under the MRS plan I am circulating at the moment. This land is between west

of Rockingham Road and east of the lake. As of right a landowner or developer can reasonably expect to be allowed to build a residential subdivision in that urban-zoned land, thus making the current conflict potentially much worse. KIC has operated a monitoring station on Fancote Avenue for many years. To my knowledge, there are three air-quality monitoring stations in the area. The data collected by the KIC monitor is reported to DEC and is publicly available.

The Kwinana air quality buffer started off as a buffer zone for sulfur dioxide—area 2—and particulate matter; dust. It is, in small part, formally an EPP—approved under the Environmental Protection Act. KIC has been involved in this process from the outset; in fact, part of the reason KIC was incorporated was due to the requirement for air quality monitoring. The buffer has developed in stature to being commonly regarded as a buffer for all things—noise, dust, light spillage and odours, to name some—but still to this day it lacks the statutory strength it needs to effectively ward off applications to rezone rural or industrial zoned land to other zonings that allow residential development. This simply has to be fixed. Not fixing this, or taking years too long to make snail's pace progress towards sorting it out, is a contributing factor to the problem. The City of Cockburn and, ultimately, the state government are responsible planning authorities when it comes to the rezoning of rural land to residential land in this northern area, which has occurred in the past. Planning decisions in the local area relating to increasing residential development are covered by state level planning policy and local government planning decisions.

[2.30 pm]

A City of Cockburn planning policy prevents a subdivision of rural zoned land to create additional residences within the Kwinana air quality buffer. This is good. Rural landowners to the north of CCL are actively applying pressure to the City of Cockburn to be able to subdivide their land to smaller rural blocks, thus increasing the residential density. Congratulations to the city for resisting this and let us hope that the residents can see beyond their short-term financial gain and look at the consequences of putting more people into homes within the buffer. Might I also say to those residents, "Shame on you." Everyone would agree that industry, just as much as the community, has a right to occupy appropriately zoned land without being squeezed by the introduction of inappropriate land uses through creeping rezoning applications and subdivisions that one way or another can get approved. Clearly, urban development has crept right up to the buffer, and therein lies much of the current conflict. Maybe the buffer is not big enough. We know there had been submissions to the then state government planners for the buffer to be expanded back in 2002. I have copies of those submissions.

The CHAIRMAN: Which are titled what?

Mr Oughton: One is from Cockburn Cement, one is from the Chamber of Commerce and Industry and one is from KIC. I will quote some parts of those that are particularly relevant, to save you reading through them and to save you some time. I have provided copies of the submissions. It is worthy to note that the old town sites of Wattleup and Hope Valley, the homes of several hundred people, which were located within the buffer, were bought out by LandCorp and razed as part of the Latitude 32 project. This was recommended in the FRIARS report. It would be a brave person who would propose that these homes that now lie within the buffer be compulsorily acquired and razed. The fact remains that they should not be there. This is policy which was recommended in the FRIARS report and was subsequently adopted. In late 2002, the then government, probably via the Department of Planning—DPI back then—released a report entitled "Review of the Kwinana Air Quality Buffer". Organisations I can confirm that made submissions into the review process included KIC, CCL and CCIWA. I have provided copies of those letters to you. The letters stated, generally, the need for a substantial buffer, concerns about the proposal to create residential land within the buffer and the need for the buffer to exclude residential land, noting that this was consistent with the FRIARS report. KIC's letter stated that it supported the basic recommendation of the review —

... “a composite planning and environmental buffer should be put in place that provides a Residential Exclusion Area (REA) to protect nearby residents and the Kwinana Industrial Area (KIA) as the State’s premier industrial area.”

The basis of KIC’s argument was that —

- the area defined as a buffer should as large as practicable;
- the long-term plan should be to reduce the number of residents in the buffer; and,
- an Environmental Protection Policy (EPP) should be developed to clearly state that, while health of workers and residents is adequately protected, at all times the amenity of the area with respect to odours, noise and dust may be lower than areas outside the buffer.

The KIC letter concludes with the following statement —

As an overall comment on the review process, KIC is concerned that it appears to have been done within the Departments of Planning and Infrastructure, and Environment Water and Catchment Protection. We believe that most of the above detailed points could have been adequately addressed during the review process with input from industry personnel expert in these areas.

This is a very telling statement because it says, as do all the letters I have cited, that industry has not been substantially consulted, that the review was carried out behind doors that were essentially closed to industry, and that 10 years later this is still the case. Surely industry has some credible and expert advice it could contribute to the development of policy such as this.

I quote from the CCI’s submission —

CCI strongly supports the retention of the buffer around Cockburn Cement’s operations in the north of the buffer.

Remember, this is 2002. The submission continues —

The circular buffer affords protection from peak dust emissions that could occur under any wind direction.

We are aware that there have been calls to contract the buffer in a westward direction on the basis of the SO₂ contour lines. The boundary of the buffer here is not defined on the basis of the SO₂ lines. The boundary is strictly established, as indicated on the top of page 2 of the Review, as a protection against peak emissions of dust.

This letter concludes by stating —

There is a need to establish an effect buffer around the KIA — the state’s most important industrial asset. CCI strongly supports the concept of a composite planning and environmental buffer and its application in this case ... However, we remain concerned, in particular that new residences will still be able to be constructed in the buffer and with the proposal to contract the buffer in the western region.

CCL’s letter states —

Independent audit findings summarised in the review clearly states that the present buffer for Cockburn Cement is inappropriate and notes that other similar size cement operations require buffer of one-kilometre separation from sensitive uses such as residential development.

These letters provide information from industry that the state’s planners had 10 years ago. I believe the then Department of Environment, now DEC, put in a submission as well, but I have been unable to locate this. The memory from the industry personnel around at the time of that submission is that the DoE submission was supported by the KIC and CCI submissions. The DoE submissions should also be found and brought into the evidence of the inquiry. The outcome of the review process was

that KIC had some impact in that the encroachment was reduced but the view at the time, from someone involved in the development of the KIC submission, was that we got rolled. I understand that the City of Cockburn made a submission into the review process. This submission, if it exists and can be found, I am sure would be an enlightening read, given that the city back then was a supporter of reducing the buffer to allow for the rezoning of the land from rural to urban to make the way clear to put residential dwellings inside the existing buffer line. I understand there were some vested interests on the council at the time. History shows us this is not outside the realms of reality as the council was sacked in this period.

Hon KATE DOUST: Mr Oughton, you are making some allegations—and I am not taking sides—but you need to be very careful about making allegations about matters about which we do not have fact. I just advise you of that.

Mr Oughton: Yes, thank you.

They tried very hard to achieve urbanisation of the rural land around Cockburn Cement.

I understand also that even state planning supported the no-development cause but that the City of Cockburn took it to the planning tribunal and won. Yes, I did say the City of Cockburn. It would be helpful for the inquiry if the city's long-term record relating to this should also be brought to the evidence of the inquiry if the full background and responsibility is to be understood, as should the involvement of the local member of the day. I understand there was extreme lobbying pressure from various parties being applied to the council during the time of the rezoning decisions. There may be nothing in this, but the ground should be covered.

The CCL conflict is a very good example of what can happen if the industrial buffer is not protected. Nobody wins, the community is unhappy, the affected company is unhappy and industry as a whole becomes nervous and unsettled. Nervous and unsettled industry is less inclined to voluntarily invest in environmental improvement technology and is more inclined to reconsider its options as to whether staying put is a viable long-term option.

To the south of the buffer we potentially have a worse situation than to the north of the buffer. The City of Rockingham is proposing to rezone industrial land within the buffer to city centre zone. This zoning would mean that high-rise residential development becomes a permitted use inside the buffer. This is not a fanciful extreme I raise in this forum; it is a reality. I have seen the artist's impressions of 10 to 15-storey residential apartment buildings in the current buffer. I am told that an application for high-rise residential development would not be considered if it were to be lodged with the city. The process is the process. Under this zone, developers have a right under the MRS to build high-rise apartment buildings; it is a permitted use. A city decision to now support it is meaningless when it is a permitted use and the developer simply appeals to the SAT. It is as good as done if it is a permitted use. The city has refused to withdraw its application to the WAPC and, incredibly, the WAPC states that the process should continue to its conclusion. This is an intolerable situation for industry and to those planners, local and state, who are charged with progressing this plan. They need to be held accountable to the residents and the industries that will bear the same conflict as is being experienced in the northern part of the buffer. That it is even being considered is unfathomable in the extreme. It should have been rejected outright.

Just to conclude, I have some questions that industry would like to perhaps put into this forum. There are about 10 of them. What was the City of Cockburn's position back in early 2000s with respect to trying to rezone land or contract the buffer to pack residential development into the buffer, and what unambiguously and clearly is it now? The same question should be asked of the WAPC planners of the day. Why has it taken in excess of 10 years for the review of the buffer by the buffer review committee to reach the point where there is still no definitive published state policy on where the buffer is, what it is for and what statutory effect and protection can be attributed to it? Will the inquiry make it clear to the buffer review committee that the delays in coming to conclusions is causing problems, and tell them to hurry up? Will the inquiry require, on

behalf of industry and the Kwinana industrial area, the formal creation of a land zoning that will once and for all fix the buffer integrity by declaring it an EPP and a zone called, for example, “industrial buffer”, thus protecting it—the buffer—and protecting industry and communities from those who would profit from inappropriate development? Might I ask that this time be limited to significantly less than a decade? Why are the state’s planners allowing the rezoning application put up by the City of Rockingham to proceed through the process of assessment? Why is it that the rezoning application has not been rejected outright for the simple fact that it is in the industrial buffer? Is this not making the problem worse? Can the state’s planners and the City of Rockingham be required to publicly take responsibility for promoting and approving high-rise residential development within an industrial buffer, if indeed it gets approved, in preparation for when the residents inevitably complain about industrial emissions such as noise et cetera? Can someone explain how in the circumstance industry should react to this threat of high-rise residential impacting on its right to operate as separate companies within a legitimate industrial area, albeit that it will be compromised by a decision to rezone part of the buffer city centre? Will the land currently zoned as urban in the MRS to the west of Rockingham Road and the Cockburn Cement area be rezoned to buffer, if we can get a zoning designation such as this, or rural? That is the land that is currently on that MRS plan zoned as urban. Finally, can there be clarity created—timely clarity—with respect to whether residential living is a permitted use within the buffer? Sorry, I think that took more than 10 minutes.

The CHAIRMAN: That is okay. I gather from your opening statement that you would like to see the buffer widened. Is that correct?

Mr Oughton: That is our basic premise but only on the basis that there is a scientific reason for that to occur; it is not just per se.

The CHAIRMAN: Your submission to us focused on the Kwinana air quality buffer. You suggest that the buffer should be designated under an environmental protection policy because the current level of protection—SEP in most areas—is inadequate. Firstly, could you explain what an SEP is? I am not so good on those acronyms. Then also please explain what the change in designation would mean for CCL and the surrounding community.

[2.45 pm]

Mr Oughton: An SEP is a lower level of state protection and it enables a developer or a local government or indeed the WAPC to create an application for subdivision or rezoning to residential within the buffer. So there are muddy waters around that. What we get are nibblings that happen on the periphery of the buffer, because there are two nibblings there. The developer in the middle says, “Well, if it’s like that, then I can as well.” That is what I mean. That can happen under an SEP. Under an EPP, that cannot happen. There is no application that will even be considered because it is a much higher level of protection; as would a zoning called industrial buffer, if that can be created, so there would be no permitted use such as residential in that.

The CHAIRMAN: And what would that mean to CCL?

Mr Oughton: What is happening with CCL at the moment is it is there and it is a fact and it is being dealt with. But what could happen to CCL is further encroachment on the buffer, and looking at that west of Rockingham Road, that pinky–purply zoned land which is urban technically could have houses built on it. A developer has a right; it is a permitted use; that is what it is for. So, that is a Cockburn Cement–Cockburn community fight too in the wings, if that does not get changed.

The CHAIRMAN: Assuming that there are no changes to the buffer or the planning laws and planning decisions, how do you think that the health, environmental, dust odour and property concerns arising from the operation of CCL could be remedied?

Mr Oughton: I cannot answer that on a technical basis because that is not my field. But I can answer that question on the basis of the whole of the industrial area, and that is through compliance

with environmental regulations and dialogue with community because there are always going to be effects, perceived or otherwise, when a buffer is less than huge, I suppose. And if the buffer is there, and in this case it is, on one side of this infinitely small line it is supposedly okay and on the other side of this infinitely small line it is not okay. So, there has got to be grey. This line that people talk about with the buffer, it does not work like that. Air does not stop just because there is an imaginary one-molecule-wide line technically. Like if there is an odour issue and it is a still night and there is no breeze, the emissions of that odour continue to build up in that humidity, and if it does not get blown and diffused, then it is just going to work its way out in a concentrated fashion and it will affect people. That is why a buffer is not an exact science and it can never be an exact science. It is unrealistic to try that.

Hon LYNN MacLAREN: Had industry put forward the idea of an industrial zone to the planning authorities? Where are you at with that? Do you have any further information about what the planning laws would be in such a zone?

Mr Oughton: In the submission from KIC dated 2002, that is what we suggested. The buffer review committee at that time, it might not have been called the buffer review committee, but that committee was meeting and that is the committee that created the review document that those are the submissions for, so it had been going probably a couple of years at 2002. That committee has gone into the bowels of planning and is starting to emerge. I made a submission to them at my request about the Rockingham issue, but there has been little to no, that I know of, invitation to industry to participate in that process. So, as I said, we have kind of been waiting around, but it has been nearly 10 years since that submission was written and that is when it was suggested.

Hon LYNN MacLAREN: Are you aware that emissions travel as far as York from the Kwinana area?

Mr Oughton: No, but not being a scientist in this area, I would say that they probably travel a lot further than that, but the further they go, the more diffuse they become. And that is the whole purpose of a buffer. If something is in the air, it is going to go somewhere. And if it goes a long way away, it is going to be more diffused than if it is up close. That is the whole premise. The molecules still exist.

Hon PHIL EDMAN: Chris, on 15 November 2010 Cockburn Cement did a presentation to the standing committee, which we did on site. One of the research officers will bring this to you. This is what you have just given to us today and this is a picture that shows what a Kwinana air quality buffer is.

Mr Oughton: I have seen it.

Hon PHIL EDMAN: I just want to know if that is a rural or residential area that has been illustrated to our committee. Could you just have a look at that?

Mr Oughton: Yes, I know the picture.

Hon PHIL EDMAN: Where does that lie within what you just tabled to the committee in this hearing?

Mr Oughton: I have done some detailed study about this, looking at Nearmap from above and looking at these, looking at other plans as well and looking at the cadastral features, roads and so forth. I believe that the red line is probably in the right place, looking at this map and Nearmap and trying to get it exactly right. The corner of land that I suspect you are referring to, if you look at this plan, is that bit of land that is light or teal, or whatever that colour is up the top, and that is the rural-zoned land which several residents are wanting to turn into smaller lots and therefore more houses. This ring is, rightly, incorporating that rural land within the buffer, and that is what I have said in my submission. On the other side of that ring is the residential or urban zoned land. So I think that ring is in the right place and that what is shown around where the words "Quarry 11" are but not where the arrow for quarry 11 is.

Hon PHIL EDMAN: It is quite dense that area, though.

Mr Oughton: Pardon me?

Hon PHIL EDMAN: It is quite dense below that red line.

Mr Oughton: But if you look at Google Earth or Nearmap, there is one house per large property. There might be 10-acre properties or five acres that can be potentially subdivided down to half that or a quarter of that, and that is that intensification of the rural land, which is a permitted use to do that. A subdivision by rights can be expected to be approved in that zone to make those lots smaller. So, logically we would see in time intensification of that area, unless the City of Cockburn makes its own policy decision, which is what I congratulated them for, to not allow that to happen. That will get offside with those residents because their superannuation planning for years has probably been, "Ultimately we can subdivide this. There's our nest egg and off we go to retirement." So, one has to have sympathy for that position as well.

The CHAIRMAN: What are your views then of the amended licence for CCL? Have you got a view on that and does it solve a number of issues by the new conditions they put in it?

Mr Oughton: I do not know whether it is going to resolve the problem or not, but what I do know is that over any given period of time the DEC or the regulator of the day tightens the regulatory requirements for the KIC members; and that is an accepted and reasonable thing to do. I guess what is not acceptable and reasonable, but at the end of the day if it is done you have to accept it, is that it happens in a great big lump which is such a massive thing to comply with that it generates a decision for industry to say, "We will probably have to move on rather than meet this." Industry has a strong track record in the Kwinana industrial area of improving its performance to meet regulatory requirements and in advance of regulatory requirements, I might say, over time. And I think that that is the right approach. We all know that community expectations about the state of the environment are improving, as they should, and corporate industry knows that it has to do better if it is to be allowed by the community to stay and operate in an industrial area such as that. The great thing about the Kwinana industrial area is that it has a world-class buffer. That is the terrific thing about it. So, industry is not new to the increasing tightness and depth of requirement coming from the regulators; that is business as usual for us.

The CHAIRMAN: I do take your comments about the number of conditions being imposed at one time, but one of the main conditions was the pollution control to kiln 6. Because that is, I suppose, as I said, the main condition that could probably solve a lot of the issues, do you see it in that way or do you just think that that is an unrealistic condition imposed?

Mr Oughton: I really cannot answer that. I do not know how effective it is going to be. I am not an environmental scientist; I am very much a generalist over these areas. But if it is going to improve the emissions and if it is going to help with the community being satisfied in their minds that emission levels have improved, then that has got to be a good thing. But I cannot go into how much of an improvement it is going to be. I just do not know; it is not my field.

Hon KATE DOUST: I have a series of questions, Chris. I missed the beginning. You listed out a number of companies that are member companies. Is Cockburn Cement one of those member companies?

Mr Oughton: Yes.

Hon KATE DOUST: Has KIC met with Cockburn Cement on any occasion to discuss the emissions issue?

Mr Oughton: Yes, we have.

Hon KATE DOUST: And to discuss the buffer issue?

Mr Oughton: Yes.

Hon KATE DOUST: And what was the outcome of those meetings?

Mr Oughton: What we were talking about was that I was giving, and so was the KIC president, some advice or comment to Cockburn Cement about what is the actual state of play with the buffer, where are the lines, what has happened. And also to talk about how one might work with the community that was in a state of heightened agitation about the situation. And essentially that is what KIC has been doing with its members through the Communities and Industries Forum for years. So, we are giving them the benefit of that advice.

Hon KATE DOUST: So, when was your most recent meeting with Cockburn Cement to discuss these matters?

Mr Oughton: I would say three or four weeks ago; I and the KIC president had a tour of the site and we went through it.

Hon KATE DOUST: And have you met with Cockburn council at any point to also express your concerns about either the buffer or emissions?

Mr Oughton: Not met with them, no. Probably a couple of years ago, maybe a little bit more, when they had applications from some of those rural landowners to subdivide their properties down, and I saw the report—it was not advice at all. I saw it as it was going up to council and I asked, “What is going on? We need input into this. This is a serious issue.” I could be wrong but I think it was pulled from the agenda, and I am just trying to think of the guy’s name but I cannot. There were a couple more telephone conversations with this chap; he was most receptive. And I think I had a couple of conversations with Daniel Arndt, the director of planning, about it as well.

Hon KATE DOUST: But not for the last couple of years?

Mr Oughton: No. Sorry, there was an occasion where I had an informal discussion with Daniel about it, probably within the last six months.

Hon KATE DOUST: Has the KIC sort of moved any motions or recommendations from their meetings with their members about this particular issue in Cockburn?

Mr Oughton: No.

Hon KATE DOUST: So, there has been no strategy, no discussion at your members’ meetings?

Mr Oughton: No, that is different. There has been lots of discussion. There has been no resolution to go any particular way.

Hon KATE DOUST: So, there has been no direction from, I do not know whether you call it a board?

Mr Oughton: We do.

Hon KATE DOUST: So, there has been no direction from your board about action that could be taken with Cockburn Cement to, if you like, encourage them to remedy the issues that have been canvassed in the community?

[3.00 pm]

Mr Oughton: There has been quite a bit, but not in the form of a resolution. The buffer is always an item in my director’s reports, and what is going on is always reported. There have been other issues, which have been resolved. As I said in my submission, this is the key strategic issue—the number one priority for KIC is to get the buffer fixed, so it is always discussed.

Hon KATE DOUST: If this is the number-one priority, did the KIC provide a submission to DEC when the Cockburn Cement licence was up for renewal or being amended?

Mr Oughton: No, we did not—KIC is an industry association—I will not say constitutionally, because it is not that strong—but as a rule I do not get involved in issues that affect one industry,

one member. What KIC gets involved in are those issues that affect two or more, so it has to be a collegiate issue, which is the buffer.

Hon KATE DOUST: Well effectively, that type of licence does affect other people. I would imagine the buffer was an issue that would have been canvassed in that licensing process. And we have seen from the documents provided to us that KIC has got involved in these issues in the past. So, I was just curious as to whether or not, given that this has been such contentious issue, and as you say to us, your board has discussed this at length over an extended period of time, as to whether or not your board would not have seen that it was appropriate perhaps to have provided a formal submission to the DEC to make them aware of whether other industry players, if you like, had concerns about any potential changes to buffer zones in the area.

Mr Oughton: One of our standing committees is our environment and planning committee. It meets every month, and probably once a quarter we invite different people from DEC to come in and tell us what they are doing and for us to have dialogue about certain issues that are on the table, and certainly, environmental licences have been part of that discussion for a good number of years. A gentleman called Tony Wynne from the Department of Environment and Conservation is working on a project called REFIRE. The REFIRE project is a review of the environmental regulatory environment at the moment and it is about standardising the conditions that are applied to industry, and we support that, it is a very good approach; it is the UK approach. And so he and a couple of his colleagues have gone behind the scenes, taken out of their normal jobs, and they are working a whole new process up. The system that we have at the moment is subjective and the local officer recommendations can be overturned by the head office recommendations, when it comes to writing new licence conditions. So, it is a bit of a subjective, messy approach. DEC have recognised that, and they have got this REFIRE project underway. That is where we are focusing our efforts, because that is the fix-it for this incremental, subjective kind of—not incremental, but in a negative sense this incremental, subjective approach that we have got at the moment. So, we would not—and if I was to put this question to my board members, “Do you want me to make a submission to the DEC about the Cockburn Cement submissions and the regulations?”, I am almost certain that they would say no.

Hon PHIL EDMAN: Just to follow on from that, Chris, obviously you have put in a submission about the City of Rockingham’s bid to revitalise the city centre. Has the KIC ever put any submissions in in relation to these land parcels that have been developed, that have either come in or are just near Kwinana air quality buffer, in the mid-2000s especially, 2002 to 2006, there seems to have been some property developed then by City of Cockburn?

Mr Oughton: Is hard to say, because a) I was not there, and b) the records are a bit sketchy. I would suggest probably not, but there may be records of objections. If there were, they would be in accordance with or reflecting the views in the KIC submission that I have handed out. Oftentimes, when I have discussed this with a particular industry chap who has been around KIC pretty much as long as it has existed in the 20 years, we often find out about these things too late. The Rockingham city centre redevelopment one, for example, was already in and lodged when we found out about it too late. The City of Cockburn had written its report about that rural land that the owners were looking to subdivide; that report had already been written and was being tabled on the agenda at council. I think that has changed now though, because over my four years at KIC, I have been quite assertively putting out to government planners, and local government planners—although I failed in the City of Rockingham one—that we do need to be consulted with a significant stakeholder and that KIC represents those companies that pretty much make up the whole of the Kwinana industrial area.

Hon LYNN MacLAREN: Noting that your concern for a strong industrial buffer relates to the dispersal of emissions, so that if there is a buffer in place the emissions can be dispersed so they are not as impactful on residents, I wondered about your concerns for workers along the strip and how

they are impacted by emissions that are—they actually have to be within that buffer, clearly, because they are working there.

Mr Oughton: Again, quite a sciencey sort of area. Workers within the industrial area are covered very strongly under OHS laws and their health is managed—occupational health and safety, is managed on that basis. It does not necessarily need to be emissions to the air that are gases, for example, it could be noise or light spillage or whatever, as well. And the buffer is about diffusing that over a distance. So, the residents live in their houses in some cases, it could be a lot of cases, 24 hours a day, and they are in those areas 24 hours a day, which is quite a difference to doing a shift in a protected environment. I think that that is probably the key difference. I do not know whether that answers that question, but I am probably unable to go any further technically on that.

The CHAIRMAN: We do have other hearings and I would just like to thank you for coming in and presenting your case to the committee.

Mr Oughton: I thank the committee.

Hearing concluded at 3.07 pm