



Your ref: Inquiry: Cockburn Cement  
Our ref: DP/10/01936  
Enquiries: Neil Fox  
Telephone: 9264 7981

Ms Linda Omar  
Committee Clerk  
Standing Committee on Environment and Public Affairs  
Legislative Council  
Parliament House  
Perth WA 6000

Dear Ms Omar

***Inquiry into Cockburn Cement Ltd, Munster***

**Background**

I refer to the letter dated 23 September 2010 from the Hon Brian Ellis MLC, Chairman, Standing Committee on Environment and Public Affairs, inviting the Department of Planning to provide a written submission on the inquiry into Cockburn Cement Ltd, Munster.

The Department's submission will be structured according to the Committee's terms of reference:

1. Health, environmental, dust, odour, property and other concerns arising out of the operation of the Cockburn Cement Ltd plant, Munster;
2. The adequacy of action to address the above concerns;
3. The process of issuing and amending licences; and
4. Any other relevant matter

**Health, Environmental, Dust, Odour, Property and Other Concerns**

The Department is aware that the operations of Cockburn Cement are of concern to residents in the vicinity of the plant at Munster, and that these concerns are in regard to the emissions of odour and dust associated with the operations.

The Department is not directly involved in monitoring the operations of Cockburn Cement, but it is able to use the mechanisms provided for in the planning system to ensure that the interests of the community are safeguarded and that the impacts associated with the development and on site operations are minimised.

## **The Adequacy of Action to Address the Above Concerns**

The Department would like to highlight the following planning mechanisms which are in place to ensure that the community's interest is well served.

### **Kwinana Air Quality Buffer**

The Buffer, based on the Kwinana Air Modelling Study (1978-1982), and later the Environmental Protection Policy (1992), has been in existence for many years, and it has been used to protect residents outside the Kwinana Industrial Area and the Hope Valley-Wattleup Redevelopment Area from pollutants such as sulphur dioxide, dust, noise, and odour. Dust emissions from the operations at Cockburn Cement means that a buffer of 1.5km from Cockburn Cement has been in existence since the late 1980's.

Changes in industry and emission types, as well as land use constraints and pressures, resulted in a review of the buffer. Consequent to this, the Western Australian Planning Commission (WAPC) released the Review of the Kwinana Air Quality Buffer document for public comment in 2002. The document reviewed all the information available on land use constraints, and made a series of recommendations in regard to the buffer. This included suggestions on contractions and expansions of the buffer.

The 2002 Review described the Cockburn Cement plant as a land use constraint within the Kwinana Air Quality Buffer. The document stated that Cockburn Cement "contributes to dust and noise emissions that generally require maintenance of the existing buffer around the facility. There is however some limited scope for rationalisation of the boundaries of the buffer in the vicinity of the facility to provide better alignment with cadastral boundaries. Due to ongoing community concerns, an independent audit of the management and regulation of emissions from the facility has recently been completed. This audit has made a number of recommendations aimed at improving the regulation, monitoring and management of emissions from Cockburn Cement's operations. An implementation plan for these recommendations is currently being developed by DEP in response to the findings of the audit."

The Buffer Review recommended modification to the existing buffer in six areas and identified three additional areas which were subject to further investigation. Areas identified in this process did not include the area around Cockburn Cement, meaning that the existing buffer in this area was considered to be appropriate. These areas were reviewed again in 2008 with the aim of finalising the entire buffer, but due to insufficient information this was not possible. It now appears as though the buffer will not be finalised until 2011, but indications are that this will not result in any changes in the vicinity of Cockburn Cement.

According to information obtained by the Department in September 2010, there are 153 homes and about 10 vacant rural blocks within the Cockburn Cement Buffer Area, defined by a 1.5km line from the plant. The Department is aware that the development potential of land within the buffer has been queried. The fact of the matter is that a landowner is legally permitted to construct a single dwelling on

a lot. The Kwinana Air Quality Buffer does not prohibit the construction of residential dwellings but rather, does not support the intensification of residential uses, either through the rezoning of land or further subdivision.

### Metropolitan Region Scheme

The Metropolitan Region Scheme (MRS) is a statutory land-use plan for the Perth Metropolitan area. A significant amount of land surrounding Cockburn Cement is zoned Rural and this is aimed at restricting the type and intensity of land use to what could reasonably be expected in a rural environment. This has the added affect of restricting the number of people impacted by the nearby operations at Cockburn cement. The majority of this rural zoned land is also situated within the Kwinana Air Quality Buffer.

### City of Cockburn Town Planning Scheme and Rural Sub-Division Policy

The rural land in close proximity to Cockburn Cement is zoned Rural in terms of the City of Cockburn's Town Planning Scheme Number 3. The City is required to make recommendations to the WAPC on applications for subdivision of land zoned Rural under this Town Planning Scheme, and the City's Rural Sub-Division Policy APD7 is used for this purpose. In terms of the policy, the land falls into Area 1 and in this area the City will not support any sub-division of land. The WAPC is guided by this policy which has the affect of safeguarding the integrity of the rural living environment and thereby also restricting the number of people who could be affected by the operations at Cockburn Cement.

### Hope Valley-Wattleup Redevelopment Act 2000

Cockburn Cement is located in the Hope Valley-Wattleup Redevelopment Area (HVWRA) as defined in the Hope Valley-Wattleup Redevelopment Act 2000, and is subject to the HVWRA Master Plan (December 2004). The HVWRA Master Plan designates the land in Precinct 11 (Northern Industrial) which is intended for general industrial purposes. The ongoing use of land in Precinct 11 by Cockburn Cement for the lime / cement manufacturing plant is acknowledged in the Master Plan.

In accordance with the Act, the WAPC is responsible for the determination of development applications. Applications by Cockburn Cement to further develop the land are subject to the provisions of this legislation, thereby giving the WAPC the authority to impose conditions as part of any development approval. Conditions are imposed in order to ensure that health, safety, amenity, and other related considerations are adequately addressed by an applicant.

### **The Process of Issuing and Amending Licences**

The Department does not issue licences, but it does issue planning approvals. This section of the submission will make reference to applications lodged by Cockburn Cement in recent years, and on which decisions have been made. The

applications illustrate how the approvals granted are aimed at ensuring that the interests of the applicant and the community are considered in a balanced way.

#### Excavation of Quarry 11

A development application, received by the Department for Planning and Infrastructure on 22 January 2004, and concerning the excavation of Quarry 11, was approved subject to conditions by the Town Planning Appeal Tribunal on 8 October 2004.

Condition 5 of the approval requires Cockburn Cement to “prepare and submit to the Western Australian Planning Commission an annual report:

- (a) detailing excavation that has occurred over the past 12 months and proposed excavation for the following 12 months;
- (b) detailing the management of dust emissions created by excavation works; and
- (c) demonstrating that the requirements of this approval are being satisfied”

#### Upgrade Kiln No. 4 Dust Filter

A development application to upgrade the dust handling equipment of cement clinker manufacturing kiln number 4, was received by the Department for Planning and Infrastructure on 11 October 2004. The proposal was found to be consistent with the intended future use of land in Precinct 11 of the HWRA Master Plan, and the application was approved on 1 December 2004.

#### Coal Mill for Kiln No. 6

A development application received by the Department on 26 October 2006, to install a coal mill facility for kiln number 6 at the subject site, was considered to be ancillary to the established land use, and the application was approved unconditionally on 16 February 2007.

#### **Any other relevant matter**

##### Directions 2031

The WAPC released the publication “Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon” in August 2010.

As part of this initiative, the WAPC also released the “Outer Metropolitan Perth and Peel Sub-Regional Strategy” for public comment. The draft strategy identifies areas for the purpose of possible future urban expansion, and land in close proximity to Cockburn Cement currently zoned Rural has been indicated in this strategy.

It is important to note, however, that before any decision is taken on future urban expansion areas, their suitability will be assessed against a set of performance indicators.

As a result of this process, it is possible that land close to Cockburn Cement will be found to be unsuitable for future urban development.

Yours sincerely

A handwritten signature in black ink, appearing to be 'EL', with a long horizontal flourish extending to the right.

Eric Lumsden PSM  
*Director General*

3 / 1 / 2010