

LOT 20 ADELAIDE STREET, HAZELMERE

Grievance

MR C.J. TALLENTIRE (Gosnells) [9.07 am]: I rise to speak on behalf of the residents who are known as the Jacaranda Springs community. They have grave concerns about the manner in which the Minister for Environment and the current government are dealing with a desperately needed clean-up operation at lot 20 Adelaide Street in the suburb of Hazelmere. This lot is located in the City of Swan but the residents live in the Shire of Kalamunda, and therein lies part of the problem. But what has been really exposed with this issue is the government's attitude to cleaning contaminated sites. Lot 20 Adelaide Street has been used as a dumping ground for asbestos and toxic, carcinogenic sludge after it had been transported from the contaminated Omex site. It desperately needs cleaning up, but the manner in which the government is going about the clean-up operation is causing a very high level of concern amongst residents, and justifiably so.

Back in March this year the member for Forrestfield, the Labor candidate for the seat of Forrestfield and I met with the residents and we heard their concerns. They had originally lodged an appeal against a company known as Wasterock Pty Ltd, which was proposing to take five years to clean up the asbestos on the site—that would be five years of uncertainty for the residents. Naturally, the residents appealed against that. Here is where we see the minister yet again playing this fudge game between licensing under part V of the Environmental Protection Act and environmental assessment under part IV of the Environmental Protection Act. The proposal was referred for formal assessment but the Environmental Protection Authority declined it. It is currently subject to appeal. The appeal grounds are that it should be formally assessed. There is so much community concern and there is so much human health at stake here that it should be the subject of a formal assessment. This is a 17-hectare site that is contaminated with asbestos and toxic sludge. Of course it should be formally assessed. However, the minister is putting it all on hold. He is putting the part IV assessment on hold. That is the phrase that keeps being used. The concept of being “on hold” does not exist at all in the Environmental Protection Act 1987. The minister is just kicking the issue, as they say, into the long grass. He is refusing to make a decision on this. I think his intention is to just hold it off until after the election. That is his only plan at the moment and it is not good enough. Residents who live around lot 20 Adelaide Street deserve much better than that. They deserve clarity about what is going on. The phrase “it's on hold” has been used also around licensing under part V of the Environmental Protection Act. This suggests that the government is not very keen on issuing a licence for the activity involved with the site's clean-up. In fact, the minister is just delaying things. He is just kicking it along, waiting for something to happen—perhaps after March next year. That is not good enough. People deserve some degree of certainty. The most recent correspondence from the minister about this issue was on 28 September in a letter to some of the leaders of the community. I must acknowledge the incredible work of Lisa Cooper, as one of the leaders of the Jacaranda Springs community. The minister's letter states —

The Department of Environmental Regulation (DER) has advised that the works approval application for the site is currently on hold at the request of Wasterock Pty Ltd.

That is not good enough. Why is it on hold? For what purpose is it on hold? The minister has to tell us today what he is going to do about this site, how he is going to get it cleaned up and in what time frame. It is not good enough to just leave this very worrying cloud hanging over the Jacaranda Springs community. That is simply not good enough. The minister has to tell us precisely when and how the clean-up is going to take place, what technologies are going to be used and what the site will look like after the clean-up. Providing communities with that level of clarity is the Minister for Environment's job. It is simply not good enough to leave things hanging. The Shire of Kalamunda hired the environmental consultancy Strategen to provide information to the minister back in December 2015. The Shire of Kalamunda's submission is excellent; it outlines all the risks and problems. Yet again, we see the problem of buffer zones. The submission pointed out that for prescribed premises of this nature, for this sort of screening, crushing and solid waste facility, a significant buffer zone would normally be expected. In fact, the nearest receptor is only 30 metres from the site boundary. Yet again, there are problems with the minister's application of buffer zones. This approach should have been ruled out. The minister should have said how the problem of the contamination of that site was going to be resolved. It is a two-step process; it is not that hard. Instead, the minister is trying to cop out of it by saying that the issue is on hold. That is not good enough and it is not fair on the community at all. When we consider the contamination that is there and the risk to that community if it is a five-year extended process, with easterly winds that blast through that area in the foothills at certain times of the year, people would naturally be very concerned about the likelihood of inhaling one of the asbestos fibres. Of course, there is also the issue of the toxic sludge that was moved from one other toxic site, the Omex site, and then disposed of at lot 20. How is that sludge going to be cleaned up? The minister must tell us today exactly what his plans are. To describe this as being an issue on hold is simply not good enough.

MR A.P. JACOB (Ocean Reef — Minister for Environment) [9.14 am]: I begin by thanking and acknowledging the member for Forrestfield, Mr Nathan Morton, for his continued advocacy for his constituents on this issue. The member for Forrestfield, Mr Nathan Morton, is, indeed, actually the local member for this matter.

The DEPUTY SPEAKER: Order, minister. You are not to mention names.

Mr A.P. JACOB: It is also the member for Forrestfield who, ever since he was elected to this position, has continued to take up this issue on behalf of his residents.

Mrs M.H. Roberts: He hasn't been very successful, has he? You haven't helped him out much, have you?

Mr A.P. JACOB: He has been very successful, member for Midland.

Mrs M.H. Roberts: It's been a problem for years and you've been in government for eight years!

The DEPUTY SPEAKER: Order, member for Midland! We heard the member for Gosnells in silence. The minister needs to respond and be given the same courtesy, thank you.

Mr A.P. JACOB: I point out that this is the fourth last week of this Parliament and the first time, I believe, that the member for Gosnells, or certainly the member for Midland, has ever bothered to raise this issue with me in this Parliament. The member for Forrestfield has continued to raise this matter on behalf of his residents. Well done to the member for Forrestfield as opposed to grandstanding with only four weeks left in Parliament. Anyway, this is a serious issue.

Mrs M.H. Roberts interjected.

The DEPUTY SPEAKER: Member for Midland, I call you for the first time.

Mr A.P. JACOB: This is a very serious issue. It is an issue of concern for those local residents. I will work through some of the points now. Wasterock Pty Ltd is proposing to excavate the legacy landfill site at lot 20 Adelaide Street, Hazelmere. The site was first classified as a contaminated site requiring remediation in 2007. Wasterock's proposal is to excavate the legacy landfill material, screen and sort it, reinstate material suitable for re-use and remove material that is deemed unsuitable. It is proposed that asbestos on the site will be reburied into a deep cell, covered with an engineered barrier layer and capped. The site is proposed for commercial or light industrial development following remediation. This, in and of itself, is a good thing. Remediation of these legacy landfill sites is certainly a desirable outcome.

On 22 October 2015, following the State Administrative Tribunal mediation, the joint development assessment panel resolved to approve Wasterock's planning application subject to conditions, including for contamination. Wasterock's works approval application for the proposal, made under part 5 of the Environmental Protection Act 1986, was advertised for public comment in November 2015. Although remediation of these landfill sites is desirable and desperately needed, as the member for Gosnells said, and is something we want to see, this side of government will allow such remediation only if the most stringent safety and environmental requirements are met. This side, through the advocacy of the member for Forrestfield, also takes on board concerns of neighbouring residents—there are fair and valid concerns—and we will ensure that this remediation will proceed only with the most stringent safety and environmental requirements.

On 6 July 2016, the Department of Environment Regulation provided Wasterock with a draft decision to refuse its application for a works approval. The reason for the refusal was that it did not include a relevant prescribed premises category for the landfilling component, dust risk and noise risk. There was not the required level of comfort that those most stringent safety and environmental requirements could be met. Subsequently, the Department of Environment Regulation's assessment has been put on hold at the request of Wasterock. It has not been put on hold at my request, as the member for Gosnells tried to imply.

Mr C.J. Tallentire interjected.

The DEPUTY SPEAKER: Order, member for Gosnells.

Mr A.P. JACOB: The company is the proponent. The company is proposing the remediation.

Mr C.J. Tallentire interjected.

Mr A.P. JACOB: Stop interrupting! The rudest thing, to my mind, that a member can do in this place is come in and grandstand on a grievance in another member's electorate and then continually interrupt —

The DEPUTY SPEAKER: Order, members! We heard the member for Gosnells in silence. Please give the minister his time.

Mr A.P. JACOB: To continually interrupt when there are fair and valid concerns in that community —

Mrs M.H. Roberts: I have a point of order.

Mr A.P. JACOB: This is ridiculous!

Point of Order

Mrs M.H. ROBERTS: Rather than actually respond to the substance of the grievance, the minister keeps personally attacking the member for Gosnells for raising the issue. Under the standing orders the member for Gosnells is entitled to raise an environmental grievance. He should not be belittled for doing so.

The DEPUTY SPEAKER: There is no point of order.

Grievance Resumed

Mr A.P. JACOB: This is right in the member for Midland's electorate. She has never raised it either. I want to point out that this is very impolite. There are genuine concerns in that community.

Mrs M.H. Roberts interjected.

The DEPUTY SPEAKER: Member for Midland, I call you for the second time.

Mr A.P. JACOB: These are genuine concerns of the residents in the electorates of the members for Gosnells and Forrestfield, but opposition members continue to interrupt. I have only two and a half minutes left and I am trying to address those concerns —

Mrs M.H. Roberts interjected.

The DEPUTY SPEAKER: Member for Midland, you are on two calls.

Mrs M.H. Roberts: I thought I was on one.

The DEPUTY SPEAKER: No, you are on two. I ask you to be careful. Thank you.

Mr A.P. JACOB: This is not about opposition members nor is it about the Labor Party's candidates and electoral opportunities; it is about the residents there. Give me a chance to respond.

As the member for Forrestfield has shown, the way to address these things is to work proactively with the regulators and the minister. My door remains open should members opposite wish to do that. Given the genuine concerns that the member for Forrestfield continues to raise, I will continue to address as many of the key points as time permits.

That assessment of works approval is on hold at the request of Wasterock. Appeals against the decision of the Environmental Protection Authority in November 2015 to not assess the proposal under part IV of the Environmental Protection Act—the recommendation is that it is better dealt with under part V of the act—are still with the Office of the Appeals Convenor. Once I have received —

Mr C.J. Tallentire interjected.

Mr A.P. JACOB: Stop interrupting, member for Gosnells. Stop being rude.

The DEPUTY SPEAKER: Member for Gosnells, you had your opportunity.

Mr A.P. JACOB: Let me address the genuine concerns. The member for Gosnells should stop grandstanding for political gain. Let us actually tackle the real issue.

Once I receive and consider the Appeals Convenor's report, I will determine that appeal.

Mr C.J. Tallentire interjected.

Mr A.P. JACOB: The member for Gosnells has not raised this issue with me in the place until today, so do not give me that. The member for Forrestfield has continued to raise this issue with me and his community.

Given that the assessment of the works approval application is currently on hold —

Several members interjected.

The DEPUTY SPEAKER: Order! Member for Gosnells, I call you for the first time.

Mr A.P. JACOB: Given that the assessment of the works approval application is currently on hold, the Department of Environment Regulation is liaising with the Department of Health about any interim management measures required at the site, such as fencing to restrict access, or any works necessary to allow the safe installation of firebreaks as we head into the summer season. I am confident that the Department of Environment Regulation is currently working with the proponent to address all issues. As I said, the proposal will not proceed unless the stringent safety and environmental requirements can be met.

I want to quickly address the allegation that Omex waste was on the site. The allegation of Omex waste on lot 20 has yet to be confirmed. Groundwater investigations in 2002, soil investigations in 2006 and more recent groundwater investigations by Wasterock have not identified any significant contamination consistent with waste from Omex, but we will continue to investigate the issue because we take it very seriously.

Mr C.J. Tallentire interjected.

Extract from *Hansard*

[ASSEMBLY — Thursday, 13 October 2016]

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Mr Chris Tallentire; Mr Albert Jacob; Mrs Michelle Roberts; Deputy Speaker

The DEPUTY SPEAKER: I call you for the second time, member for Gosnells.

Mr A.P. JACOB: It is incredibly rude of the member to grandstand like this and interrupt the whole way through.